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Selections.

[From the Albany State Register.]

THE JERRY RESCUE TRIALS.

U. S. CIRCUIT COURT—SPECIAL TERM—ALBANY.

The People vs. William L. Salmon—Jerry Rescue Indictment.

SIXTH DAY—MORNING SESSION.

The Court met at 11 o'clock.

The Petit Jury panel was called, and 25 found to be present.

The District Attorney moved the trial of William L. Salmon, of Granby, Oswego Co.

The clerk proceeded to call twelve Jurymen, who took their seats, and whose names are as follows:

Peter I. Houghtaling, of Bethlehem;
Peter Zeh, of Bern;
Jacob Sager, of 7th Ward, Albany;
Ludlam St. John, of Westerly;
Lewis Lockwood, of Westerlo;
Jeremiah Rundell, of Westerlo;
Wm. C. McCulloch, of Coeymans;
Hazard Kane, of 9th Ward, Albany;
Stephen Wilson, of 1st Ward, Albany;
Daniel Sabine, of 4th Ward, Albany;
George H. Herbert, of 10th Ward, Albany;
Theodore Carman, of 8th Ward, Albany.

The Court cautioned the Jury in regard to allowing any conversation with them concerning the case.

Recess till a quarter past three o'clock.

AFTERNOON SESSION.

The Court met at 2 1-4 P. M. The Jury was called, when

The District Attorney opened the case on the part of the Government. He spoke of the case as one that attracts much attention, and might be termed an interesting case; but he could see no reason why it should be so, any more than any other violation of the laws of the United States. He stated the charge contained in the indictment, as being for alleged aid by Salmon in the rescue from the custody of the Police officers of a man named Jerry, otherwise William Henry, who was under arrest as an alleged fugitive slave. He recited the incidents of the case, and charged that Salmon was there. The Attorney recited the facts attendant on the escape in the afternoon—the recapture—and the recommencement of the examination. An Abolition State Convention was in session in the city, and the County Fair was the same day. The case was commenced as soon as possible, after the requisite testimony arrived.

The defendant, Salmon, was in the Commissioner's office, and, when the examination was adjourned for the afternoon, Salmon was present, and said, in substance, "that they would not leave till Jerry went with them," and that then he made a motion, and Jerry sprang from his seat and succeeded in escaping from the custody of the officers; and that Salmon obstructed the officers in their egress from the room, in their effort to follow Jerry. In the afternoon, the military were ordered out by the Sheriff, and were in readiness to come out; and if they had taken the platform, the rescue would not have been accomplished. But unfortunately, the Colonel of the 5th Regiment, to which the companies so held in readiness belonged, ordered them to disband or disperse—not to come out. That as soon as this was understood, the rest grew more boisterous. Soon after, a man who was making an Abolition speech asked if "they would disperse?" and Mr. Salmon, among others, cried "No!" The Attorney gave the circumstances of the breaking in. A call was made to "put out the lights." The gas was turned off in the front room, but that in the back room was still burning; so that by it persons by this time could be recognised. We expect to satisfy you, gentlemen, that Mr. Salmon was engaged in this affair; that when they were engaged in battering down the partition, Mr. Salmon said, "go ahead, boys; Oswego is here and will stand by you." Mr. Salmon is from Oswego county, near Fulton. We shall prove that Jerry was a slave. He was born in North Carolina, and the whole family, except two who ran away, are there yet. There were but few slaves in that part of Missouri. It was probably the mildest form of Slavery in the United States. The children are learned to read; one of Jerry's brothers is a minister; and Jerry did the marketing. Jerry was better off in Missouri than here. He would not say why; it might come out on trial. He escaped in June, 1843; was pursued, but not found. He was at Detroit a while, and afterwards at Syracuse. Henry sold Jerry to one Miller, in July, 1845, and Miller to one McReynolds. McReynolds was a son-in-law of Henry, and, hearing that Jerry was not doing very well—did not fare well—gave a power of attorney to one James Lear, a merchant, who was on his way to New York, for goods, and took the matter in hand on his way.

We shall also prove that Salmon told or boasted of the part he took in the rescue—that they had "agreed" to the rescue; that when they faltered, he told them to go ahead; that he was with Jerry to the wagon, and that he had gone to Canada. It was said that pistols were fired; and he was asked if some of the party holding Jerry had been killed, if that would have been right? "Right! why," said he, "you talk like Tories of the Revolution. I am in for revolution." He further said, "they had agreed to tar and feather the Marshal, and that they would have done so if they had got hold of him."

The Attorney said the law must be obeyed. The South had slaves at the time of the Revolution. What shall they do with them? There is a party of people at the North who are in favor of resisting this law, hoping thereby to hasten the day when Slavery will be abolished throughout the Union.

The Court—Well, General, it is not worth while to discuss the question of Slavery.

The District Attorney then continued by reading a section of the Fugitive Law, relating to "record evidence," and then read the 7th section—that which imposes the penalty, which is not over $1,000 fine, and not over six months' imprisonment, "on trial and conviction in the U. S. District Court," &c. &c. The Attorney also read from the statute of 1790, to punish obstructions made to officers in the execution of any legal process under authority of the laws of the United States.

The Attorney concluded, by saying that he expected a verdict of "guilty," if they should satisfy the Jury of the participation of Salmon in the affair on which the indictment was founded.

The Court suggested that the testimony of several of the witnesses in the former case (those giving the facts of the issuing the warrant, of the arrest, the escape, &c.) might as well be read, as it would save time. Exceptions could be made, or new ones, as well.

It was agreed that the testimony of Mr. Commissioner should be read from the minutes of the court. It was as to his appointment and service as commissioner, from June, 1850, to this time.

Soon after it was commenced, Mr. Sabine read the complaint before him of James Lear, when applying for the warrant for Jerry's arrest. Sworn to on the 30th September, 1851. He then read the Power of Attorney given by McReynolds to James Lear—authorizing Lear to use all lawful means to recover the said slave Jerry. This paper was dated the 11th of August, 1851—as was also its acknowledgment by a Missouri Judge. Read the warrant, and Deputy Marshal's return thereon.

The Court then read the balance of Sabine's testimony.

Mr. Hillis said the testimony spoke of the "man Jerry" as brought before the Commissioner. He supposed that it meant the man who, in the papers, was "alleged to be the man Jerry" who had escaped from Missouri.

The Court said, that it would go no further, as it was not claimed that Mr. Sabine knew Jerry in Missouri.

It was then agreed that the testimony of Deputy Marshal Allen, in the case of Enoch Reed, should be read.

The Court read its own minutes of Allen's testimony—during which a diagram of the Police office and vicinity was exhibited to and explained to the jury. This testimony was as to the arrest, and the circumstances of the examination so far as it precluded—of the escape in the afternoon—and of the rescue in the evening.

The Court then read the testimony of James R. Lawrence, Jr., who was attorney for Lear, as to the circumstances of the examination, and the escape. Stones were thrown in through the windows, at the Police office, while the examination was going on, on account of which it was adjourned till the next morning (this was after candle light). This witness was not cross-examined. He was not present at the rescue.

The Court then read the testimony of Henry Fitch, U. S. Deputy Marshal, from Rochester.

The District Attorney then said he would now offer evidence that Jerry was a slave; and called

John McReynolds—Reside in Clarion Co., Missouri; am a farmer; knew Jerry, a coloured man, who resided in my county, with William Henry; Mr. Henry was my step-father; Henry came from North Carolina, in 1848, to Missouri, Marion Co.; it was not Marion county at the time he moved there; I came with him; I am 51 years of age; Jerry came with him; Jerry's mother; her name was Ceil, or Celia.

Q.—Was she a slave?

Objected to. That is a question of law, and not of fact.

The Court said the witness could say what was done, and how her condition was regarded.

Mr. Sedgwick—That will not do. He may regard the thing one way, and she another.

The Court—The witness may state that she submitted to the authority of William Henry; whether it was stated in her presence that she was a slave.

Mr. Sedgwick—The acknowledgment of a slave is not to be taken as evidence against them.

Mr. Nye argued that submission to authority did not prove Slavery. The case of Solomon Northrop was in point.

The Court noted that the District Attorney offered to prove that Celia lived for many years in the family of William Henry, and was regarded as a slave—that the counsel for defence objected. Objection overruled.

Witness continued—I was about eighteen when I left North Carolina; I knew Celia and her family then for about 14 years; when she left, she had 3 children; Jerry, Ben, and Millie; Jerry was the oldest; she was black; I went with them to Missouri; Mr. Henry married my mother before I left North Carolina—and I had been brought up in the family; Jerry was born in 1812, I think, in North Carolina; Celia had more children after she left North Carolina—she had 10 in all—3 died—don't remember all their names; the names I remember of the others, in the order of their ages, were Burt, Dick, Jese, Zub—7 with the three dead ones is all—that makes 10—Ben now lives with me; has a wife and children; lives with me as a slave [objected to and ruled out]. Burt lives with Mr. Gentry, who married Mr. Henry's daughter; Gentry is here; Burt has a daughter; think he has a wife and one or two children; Gentry married Henry's only daughter; Dick lives with me; he has no family; is older than Jessie; Jessie is with Mr. Gentry; think he has a family; Gentry lives two miles and a half from me; Zubia lives with Mr. Gentry; she is the youngest. Zubia is married; her husband lives with Gentry; Gentry has hired her to the man who owned her husband, and think they live together. Jerry could read; he was both farmer and mechanic, was called a pretty good rough carpenter, and worked at coopering and chairmaking.

Question—Were they regarded and treated as slaves? Objected to—overruled.

The witness answered that they were regarded and treated as slaves.

Question—Were they known as slaves? Objected to—overruled.

Answer—They were.

Witness continued—Mr. Henry is dead; died, I think, in 1845; I knew of Jerry's escaping, in June, 1843; he went away on a Saturday evening, and did not come home on Monday morning as he usually done.

I know Mr. Henry's writing [District Attorney showed witness a paper, and asked if it was Mr. Henry's signature at the bottom, and the witness said, "It is"]; know Thomas S. Miller; he lives in Hannibal; is a merchant.

The paper shown witness was a "bill of sale," which Mr. Lawrence asked if he should read? and handed it to the counsel for the defence, who examined the document.

The Counsel for the defence objected to the reading.

Mr. Hillis said one objection was, that the word Jerry was written by a different hand—different ink—and over the word "Bell" which was written in the same pen, ink and hand as the rest of the document.

Sedgwick—A forgery on the face of it.

The Court did not think there was anything in the objection, as the word Jerry was regularly written twice.

Mr. Sedgwick—The erasure is in the granting part of the instrument.

The Court ruled that, in this case, the erasure does not prevent the document being read.

The bill of sale of Jerry, dated July 3d, 1845, from Mr. Henry to Mr. Miller, was read by the District Attorney as follows:

"Know all men by these present, that I, William Henry, of Marion County, in the State of Missouri, have this day granted, bargained and sold unto Thomas S. Miller, of the said county and State, for and in consideration of the sum of four hundred dollars, to me in hand paid, the receipt of which I do hereby acknowledge, a certain negro man named Jerry (slave), about five feet 8 or 9 inches high, heavy made, yellow complexion, aged about thirty-two years, one of his upper teeth out—which said negro man, Jerry, ran away from me in June, 1843, from the said County and State, and now is at large. Which said negro man, Jerry, I do warrant to be a slave for life. Given under my hand and seal this 3d day of July, 1845. WM. HENRY." [Seal.]

Witness continued—I bought Jerry of Miller, in 1851; a bill of sale shown me is my guide; its date is 8th of July, 1851; saw the bill of sale executed by Miller. Jerry continued a slave up to the time he escaped. [Excepted to.]

Cross-examined—I was born in 1802; in Tennessee; I went from North Carolina to Missouri in 1818; I was on the plantation, heard them call Celia, Jerry's mother, and saw her suckle the child. I saw her forty years ago suckle the child; I swear to it; Celia was black; thought her a full blood negro; Jerry was a mulatto; his father was supposed to be a white man; Ben and Millie were blacks—full blood; so was Zubia; two of the others, Dick and Jess, were yellow; the rest all full-blooded blacks; London was a full-blooded black, and is now about 55; he is living with me; London belonged to Wm. Henry, when he married my mother; London had no wife when we moved for North Carolina; now he has a wife—no children by her; I do not own his wife.

Q.—Is it customary among slaves for women to suckle other children than their own?

A.—Have known it done.

Q.—Is is not a common thing in North Carolina to send the mothers out to work and have the children nursed by others?

A.—I cannot say as to North Carolina; have known it done in Missouri in a few instances—in a very few instances; I was not present at the birth of Jerry, but came very near it; I was in my own house, and this happened in the one adjoining it; I think it was the month of May; have seen it set down; it was not in the family Bible; the house Celia was in was not more than ten feet from the one I was in; that was the slave house, where all the slaves were; I did not see Jerry go; I did not see him come back; did not hear any directions given him when he went; it was hearsay, that he went away on Saturday night; don't recollect how long it was before he went away that I was there; might have been two days or two weeks; Henry went away tolerably frequently; never went away and was gone for weeks; Henry was not in the habit of going off to the county towns, and playing cards, &c.; Jerry was a servant, and often went with Henry on business, but he never took him as a waiter.

Samuel Smith—Reside at New London, Ralls County, Missouri; am Sheriff of that County [paper shown witness—was a subscribing witness]; did not see it executed; Mr. Miller told me—[objected to]; became a witness by hearing Mr. Miller acknowledge he signed it [objected to]; the paper was handed to him, and taken by me to Mr. Miller.

Counsel for Defence objected to the witness stating what passed between him and Mr. Miller.

The Court said it would hardly answer to state what passed between them.

Witness continued—I was at Syracuse, 1st Oct., 1851; arrived the evening before, I think at about 10 o'clock; I know the Jerry spoken of by Mr. McReynolds, from Missouri; saw the man arrested as a fugitive on that occasion, and spoke to him; the man was Jerry whom I had known in Missouri; am positive; I had known him at Mr. Henry's and at my house; lived two miles and a half from Mr. Henry's; Henry is dead; died, I think, the latter part of July, '35; saw him in the family of Henry and frequently recognise them as master and mistress [objected to, and noted]; I removed to Missouri in 1836, and knew them, I think, some time in the year 1847; lived there nearly 7 years—was intimate in the family; did not know Celia; Jerry was regarded and served in the family as a slave [objected to, and noted]; in 1843, lived within two miles and a half of Henry's; I saw Jerry at Mr. Henry's a short time before it was said he left; the time I missed him was some time in the summer of 1843—June, probably; I continued to pass there often, and did not see Jerry; was at Mr. Henry's after that; was present at the Commissioner's office in Syracuse, and at the police office when Jerry was there.

Cross-examined—I am Sheriff of the county, hotel keeper, and postmaster; lived within two and a half miles of Henry's; lived there till November, 1843, and then moved to where I reside; can't say how often I visited Henry's when I lived at Hydesburg; could not say it averaged once in two months; when I called, my business was with Henry; never had any with Jerry at Henry's house; the slave huts near by the house; never was in them; neither back or front of the house; I think I should have missed any of the men if they had been gone; oldest, London, black, between 50 and 60; Jerry was called next oldest; that is all I know; he was a mulatto; the next, Ben was black; would suppose two or three years younger; London had no sirname, that I know of; nor had Jerry any that I know of; there was one called Jese, by Henry; Jess was yellow; should think there was one more; can't give a list of the women; don't think Jerry wore whiskers at Syracuse; was on the side-walk, within 30 or 40 steps of the Commissioner's office; did not go to Salina; was waiting for Jerry to come back; was walking about; nobody stationed there; Jerry was taken up into the Commissioner's office; in about 30 minutes there was a crowd about the Commissioner's office; there was a crowd about the Police office.

Direct resumed—Jerry was brought in a covered carriage; Mr. Henry was with Jerry when he came to the Commissioner's office; Jerry had handcuffs on only.

Adjourned to nine o'clock to-morrow morning.

SEVENTH DAY—MORNING SESSION.

The Court met at 9 o'clock.

The District Attorney said he had reason to believe that one of the Jurors had been approached improperly by the Defendant, or some other person; and he wished to have the juror sworn and explained.

The Court thought this had better be postponed till after the trial. The jurors were warned.

Mr. Lawrence requested that the juryman be examined, and if matters of an improper nature have been gone into, the juror should be discharged, and another substituted.

Mr. Wheaton proceeded to make a statement of the complaint.

Mr. Hillis objected, that no such statement should be made, unless an examination was to be had.

Mr. Wheaton said that last evening, the Defendant and Wilson were seen in close confab, alone and apart by themselves. He thought the juror should be examined as to the character of the conversation; and if on the subject of this trial, that the panel should be set aside. He went on to cite an instance in the Court of Special Sessions, in Albany, in which one of the jurors had been talked with, and the panel was set aside. Suppose it could be shown that one of the jurors had been bribed; would it be worth while to neglect the examination, and go on and spend the time of the Court in the trial?

Mr. Hillis thought that it did not follow, if the juror and defendant had talked together, that anything had transpired which should call for a discharge.

The Court would not stop here] to examine the case to punish the defendant and juror for contempt, but with a view to set aside the panel, if proper to do so.

Mr. Hillis thought the Court of Special Sessions, of Albany county, was hardly authority in the matter for the United States Circuit Court.

The Court suggested, that the respective counsel consent that the juror be sworn and examined as to what there was in the transaction alluded to, so that the Court may determine.

Gen. Nye knew of no such course; he knew of no such precedent; and was unwilling to join in making one.

The Court said it would make no precedent. If my suggestion is not acceded to, the Court will have to determine what shall be done.

Gen. Nye had no doubt the matter was one of prejudice, and he would leave to the Court to adopt its own course, without becoming a party to it.

The Court said, if the counsel did not agree to its suggestion, the Court would have to determine what power he had in the premises to go into an examination.

Mr. Wheaton referred to a case, in which he assisted District Attorney Colvin, in the argument before the Oyer and Terminer.

Mr. Hillis said that counsel consented to the examination of the juror.

The juror, Stephen Wilson, of Albany, was sworn to give true testimony as to any conversation between himself and defendant.

Juror—Have seen defendant; know him by name; as I was going out of the Court last evening, the defendant spoke to me, and I, knowing it was improper, abruptly broke off, and did not hear anything that I can remember; it was something he said about the suit, but I did not pay any attention to it; I might have said to him "No," or something of that sort; what he said was in reference to the suit; it was not more than half-a-dozen words on that subject; it was in the upper hall of this building, as we went out; it was not more than a minute—as soon as I found the nature of the conversation I went off; I did not tell him it was improper, but broke off; he did not refer to any evidence in the case; I might have seen him when he was in Court last term, and know him by sight; that is all the conversation I have had with him since he was empannelled.

The Court asked if there were any other questions.

Mr. Wheaton—Did you go aside?

Mr. Hillis—I submit whether the agreement was not that the Court should examine the juror: if not, we withdraw our consent to the examination.

Mr. Wheaton—It is too late.

The Court—Did he take you one side?

Juror—He did take me one side; to the recess by the side of the stairs; can't say whether there were any persons near or about us.

Mr. Wheaton wished to have it asked, if he was not in conversation very near five minutes.

The Court—How long was you there?

Juror—It was not far from a minute as I recollect; I did not look at a watch; cannot remember the conversation.

The Court—Well, you may sit down. I am inclined to think that though there was great impropriety in the Juror going aside with the defendant, yet from the examination of the Juror, I think nothing has occurred to render the Juror unable to act properly.

Mr. Sedgwick said that all that was wanting on the part of the defence was a fair and impartial trial; and they now offered to go on with the other eleven, and allow this one to stand aside.

The Court suggested that there might be doubt as to the power to do this.

The District Attorney said it would in that case be an arbitration.

Mr. Sedgwick said that he believed the same rule held in misdemeanours as in civil cases.

Mr. Hillis said the parties could draw up a stipulation strong enough to make the trial by eleven good; they would not make any appeal, at any rate.

The Court said it had expressed its opinion that nothing had been done to impair the character of the Juror; and although it would be glad to carry out the suggestions of the counsel for the defence, it doubted the legality of that course—and the cause must proceed.

The District Attorney then called

Joshua Gentry—Reside in Marion county, Missouri, since 1823; knew Wm. Henry and his wife; I knew negro boy Jerry; I know that previous to June, '43, when I went to Henry's I always found him there, and I have never seen him since; I resided about ten miles from Henry's; sometimes there twice a week, once a week, then not for a month, before June, '43; I went to look for him at the request of Mr. Henry; went to Chicago and Milwaukie for that purpose, immediately after he was missing; I first knew the family in 1824, and then saw Jerry there; Mr. Henry at that time had but one black woman, and that was always considered a slave there [objected to]. Ben belongs to John McReynolds; Ben is the half-brother of Jerry; Burt belongs to me, and is a local preacher in the Methodist Church [District Attorney shows witness a paper—a bill of sale from Miller to McReynolds]; I saw Mr. Miller sign his name to it, and I witnessed it at his request.

Question—Who disposed of the children of Ceil?

Objected to and sustained.

Cross-examined—Who was present when this paper was signed?

Answer—Tomcray, at Hannibal, Missouri; the acknowledgement to me was at the time I signed it; cannot tell when the paper was acknowledged; the acknowledgement by me and Tomcray was all at the town of Hannibal—but whether the same day or not I do not know; Tomcray lived in the city of Hannibal, the next door to Miller; I don't remember whether it was acknowledged before the Clerk at the same time I signed it or not; Miller, Tomcray and myself, all signed the paper at the same time and place [the paper shown witness and asked if the signature of Tomcray is in different ink from yours?]; I do not think it; I do not think the ink of the acknowledgment is different from that of the signature—take it for granted, though, that it was written out of a different inkstand—that the Clerk wrote out of his own; Mr. Smith was not present when I signed it, or when I went before the Clerk; Smith's name was not on the paper or a witness when I went before the Clerk.

Direct resumed—I was present when the acknowledgement was made; saw the Clerk write it down.

Mr. Wheaton insisted that the acknowledgement was proved.

Mr. Sedgwick that it was not.

The Court said if there was good common law proof, that was enough.

The Counsel for Prosecution proposed to read.

Mr. Sedgwick said they held that the paper should, by the laws of Missouri, be witnessed by three witnesses—and another objection is, that Conkley, the other subscribing witness, is not present.

The Court took down the objections.

The District Attorney then read the bill of sale.

Q.—Mr. Gentry, who exercised ownership over this family, and sold them or disposed of them?

Objected to.

The Court—The proper question is as to the exercise of control.

Mr. Wheaton—We wish to show ownership.

The Court—The way to do that is to show whether they were treated and controlled as slaves. Excepted to.

The Court said it understood that all testimony of this character is excepted to.

Witness—The family of Celia were in the possession of Henry; that they were controlled as slaves, and submitted as such.

Gen. Nye—The latter part of that we specially except to.

Mr. Hillis—The submission is not taken as evidence of Slavery even in Southern courts.

The Court had no doubt that it was taken; yet it would note the objection.

The District Attorney attempted to show that Mr. Gentry was administrator of Henry, and disposed of the rest of the family, but was overruled.

[The rest of the evidence of the witnesses was confirmatory of McReynolds, as to employment of Jerry.]

John McReynolds recalled—Do you know how Mr. Henry obtained Celia?

Objected to.

Mr. Nye—When McReynolds died, Celia belonged to him. If the government wish to show any transfer of property, it must be proved by some one who saw the property sold, and it must be shown by documentary evidence. It could not be shown that Celia came to be the property of Henry by the marriage.

Mr. Wheaton—We propose to show that Celia was sold at auction, and that Henry bid her off.

The Court—This may be good as far as it goes. On the death of McReynolds, the property must have gone to John McReynolds and his sister.

Gen. Nye—The heirs were both minors at the time of McReynold's death.

The Court—Your position is, that Jerry, at the time of McReynold's death, belonged to John McReynolds and sister.

Gen. Nye—Yes, sir.

The Court went on to say that these circumstances, and that long possession and exercise of ownership, gave title. It was a question whether the evidence already shown would not show ownership.

Gen. Nye—Assent in regard to the property of minors is of no avail. In Louisiana, the title to slaves is of record—the same as in the case of land with us. The laws are different in different States. To make out this case, it must be shown that Jerry "owed service and labour"—owed it to some one especially.

The Court—The jury, undoubtedly, must be satisfied that Jerry "owed service and labour." Certain facts are to be submitted to them, and the law will be applied to them. I think the testimony offered is competent, but not conclusive.

Gen. Nye—They show an auction sale—what then?

The Court—If there was nothing beyond that, I should not say that it was sufficient evidence.

Gen. Nye—Then we ask by what authority this sale was? He can't tell. He doesn't know.

Mr. Wheaton—He does know.

Gen. Nye—How do you know?

Mr. Wheaton—We have asked him.

Gen. Nye—That is no evidence to us.

Q.—Do you know how Henry obtained Celia?

Witness—By purchase; I was present; I suppose it was in 1810; Celia was put up to be sold to the highest bidder, by the crier; William Henry was the highest bidder [objected to]; the bid was $450; the crier's name was Biffle; by crier, I mean an auctioneer, who sells property at public sale; my father's cattle, horses, hogs and all of the property that I recollect, with the exception of the land, was sold at the same time; it was bought by different persons; this was the first sale of the kind I ever witnessed; I was born in January, 1802, and the sale was in the fall of 1810; I have a distinct recollection of it [from that time till Jerry ran away, who had control of him?—Jerry was not in existence]; Celia, from the time of the sale to Henry's death, was in his possession and under his control as a slave; Jerry, from the time of his birth till June, 1843, was also in his possession.

Q.—Was an account made to the heirs of this personal property?

Objected to—That no proof should be admitted, except as to the proceeds of the sale of Celia.

Mr. Wheaton proposed to prove the administration, &c.

The Court—The evidence of that would be the record of the appointment.

Q—Did Mr. Henry ever account to you for the proceeds of the sale of Celia?

The Court—This cannot be necessary, as Celia was in the continued possession of Henry.

Witnessed continued—I returned to Henry from Hannibal the day the sale of Jerry to Miller took place.

Cross-examined—Can't tell the name of the crier that sold Celia; his first name John, I think; have heard him so called; he lived about ten miles from where Henry lived; don't know the name of the place, only it was Buncombe county, North Carolina; saw him before and after the sale at our house; sold no other negroes at the time I speak of; can't tell how many horses were sold, nor what price they brought; don't know how many cattle were sold, nor what price they brought; don't know who bought either horses or cattle; don't recollect positive that I know who bought any other piece of property at that sale; the sale was upon the farm, where my father died; Biffle had been at the house before, but don't remember when, at different times; I know the time of the sale from information, and seeing papers dated; this sale was after my mother's marriage to Henry, of course; there were a number of persons present at the sale, several of my uncles—Wm. McReynolds, uncle, was present, my grandfather Calverson; I think as many as four uncles by the name of Calverson; Ben Sangs, who acted as clerk; have seen auction sales since; I know that the sale was in 1810, by what I have heard and seen; Celia, and the cattle and the other property did not remain on the place, as before; Celia did.

Direct resumed—The sale was before Jerry's birth, and after Henry's marriage.

Thomas N. Morron—Reside in Syracuse; am a lawyer; was at the Commissioner's office a little after 1 o'clock, on the day of the rescue; the examination was not going on; but few in the room; staid till it commenced and was adjourned; the room was crowded before the examination closed; saw a man I have since learned is Mr. Salmon; know him very well as Mr. Salmon; saw him there; he made various remarks, the exact words I shall not undertake to give, as I don't remember; he made several remarks as to the position of the slave, his being in manacles; he said it "was too bad to see a human being chained in that way;" the fugitive had handcuffs on—that was all I saw; that it "was an infamous law"—what law he did not mention; that "it was the duty of every good citizen to see that such a man was rescued;" this is the substance of what I heard. After the adjournment, I did not see him do anything. I believe Salmon said, "I move we don't go without the negro;" this was about the time the Commissioner requested the people to leave; Mr. May had spoken about using his church to continue the examination; the language Salmon used was—"I move we don't go without the negro;" this was after the request of the Commissioner; saw nothing more that Salmon was connected with; Jerry escaped; this was a minute or two after this expression of Salmon's; did not see Salmon make any motion in the direction of Jerry; he was standing with me on the iron safe, at my left; this was on the east side of the room; saw somebody assist Jerry; don't know the names of any; the room was packed; the first thing, I saw a negro, who was at that time standing behind the counsel for prosecution, was beckoning to some one; Jerry stood up; the negro pushed the crowd back and made an opening; Gerrit Smith was very near; Jerry rushed through the opening; I made the remark that "they are going to get the negro off;" Salmon made no reply; after Jerry got behind and pushed; some persons caught hold Marshal Allen, and pulled him back; don't know who; near the centre of the room, Allen following the negro; Pacho, a young man on my right, said the negro was going; did not see Mr. Salmon from that time, till I saw him under arrest; I started for the window, to look out of it—don't know what become of him, after Jerry started; this was 2d story; Mr. Salmon was on the sofa or on the chair, back of the Commissioner's chair.

Cross-examined—The safe was back of the commissioner's chair; as the crowd went to the door they went from Salmon; I went to the fourth window; Jerry was on the north side of the table, next the wall—commissioner on the east side; door of the room on the south side; do not recollect Salmon's precise words, we talked nearly an hour; spoke in a very loud voice, and made remarks to different persons, at different times; spoke to me at various times; spoke to a man who I learned afterwards was a Methodist minister—small man in spectacles—white cravat; they talked together; the examination, or wrangling among the counsel, was going on all the while, and that I was listening to; questions were raised and argued, and I was listening to them; my attention was given entirely to the proceedings, and I interested myself in listening to them; made an affidavit in this case—somewhere from the first to the 18th; was sworn and examined on the examination before Judge Conkling, at Auburn; my affidavit was read, and I was cross-examined by Mr. Forbes, but not as to the whole case; don't think he asked me many questions; the affidavit was made when the transactions were fresher than they are now; the District Attorney drew it; did not say anything in the affidavit about Salmon saying that "every good citizen ought to aid in the rescue of Jerry;" I answered such questions as the District Attorney put to me; don't recollect whether, in the affidavit, I said Salmon said this was "an infamous law."

John H. Brand—Reside in Syracuse; am a lawyer; was at Commissioner's office, before the examination commenced; saw Mr. Salmon there; recognised the defendant; at that time did not know him by name; I stood at west end of the table, north west corner; Salmon stood on something across on east side near the wall, with Pascho and Marron; the Commissioner had adjourned the proceeding; think it was a little after noon; had not dined; the room was densely crowded; the crowd did not seem disposed to go out, and Mr. Sabine got on a chair or the table, and requested them to leave, as that was his room; conversation was had as to another place, and Mr. May offered his church, and others spoke of the Police office; another request from Sabine to leave; Salmon said, "I move we don't go without the Fugitive:" is as near the words as I can get; a few moments afterwards there was a great confusion, and the fugitive went; Marshal Allen stood behind the table; followed; did not see any intermission of Allen; Jerry got out; next saw him on the sidewalk going down Water street; Salmon, before the other remark, when Commissioner Sabine had decided a point of law, said, "We stand no chance before this Commissioner;" he was talking some while he stood on the safe; rather loud; in his ordinary tone.

Cross-examined—Am not certain whether Salmon said "Jerry" or "Fugitive."

James R. Lawrence called and sworn, as to Salmon—Was one of the counsel of claimant; saw Mr. Salmon there; recognise him now; when I first observed him, he was east of the table, on a table or on a sofa; after Sabine made his request to leave, Salmon said, "I motion we don't leave without the Fugitive," or negro; don't think he used the word Jerry, might have done so; the remark was made instantly after the request; it called my attention to him; the next I saw was Jerry making a rush; it was only a minute; a negro behind me was making a passage for him; this was the first I noticed Salmon; saw or heard nothing more of him.

Cross-examined—Was counsel for defendant; have been assistant for Government all the way through; filled out the subpœnas and tickets; helped abbreviate the testimony; was counsel in two suits for the recovery of the value of Jerry; and was counsel for defence on a charge of kidnapping.

William Baldwin—Live in Fulton, Oswego Co.; was a lock tender when Jerry was rescued; Fulton is on the east side of the river; Salmon lives on the west side, in the town of Granby; I moved there in 1849; have since seen him occasionally, and knew his name was Salmon; on the morning after the 1st of October, Salmon directed a little conversation to me; the morning after, when the omnibus arrived at Fulton from the cars, saw Salmon get out, people walked up to hear from him the final termination, as they had heard of the first escape; the cars stop on west side of river, and he came in the omnibus to Fulton; inquiries were made as to the termination of the Jerry matter; Salmon went on to give a sort of detail of the rescue; he said a plank was got, and various persons had hold of it, and jammed in the door with it; that after they had broken in the outside door of the Police office, they came to the second door (inside) and the officers threatened to shoot them, if they went any further, and there was some hesitation; I told them "to go ahead—Oswego was there—and would stand by;" I asked him if he did not think the officers would have been justified in shooting them, under the circumstances, in the discharge of their official duty? He replied, "you talk like the tories of the Revolution." I replied I did not think it was a similar case; that the object of those men there was to revolutionize the government, and I did not suppose he would be willing to admit that his object was to revolutionize the government of the United States. He said, "I go for Revolution;" he spoke about Jerry's being put into the wagon; said, "we put him in the wagon, and he's gone off;" he said there was a project to tar and feather the officers, some portion of them; that it was got up by somebody; my impression is, that he said they didn't because they could not find them or catch them.

Cross-examination—There was not much loud conversation at the time; don't think a single question was asked me on cross examination at Auburn; did not say there, that there was much noise and confusion at the conversation with Salmon; was not cross-examined; don't know but I would be as likely to remember whether I was cross-examined at Auburn as the conversation with Salmon; did not say on my direct examination at Auburn, that there was much confusion; there may have been 15 persons present; Mr. Salmon talked rapidly and loudly, and was excited; he is a very excitable man, and on this subject especially; did not understand him to say he had told of any plank; did not say that he did anything, except "go ahead—Oswego is here—I will stand by you;" I think he said "we," and not "they" put him in the wagon; there was nothing to make me remember it; was full of business at that time; do not think I spoke of it till I was examined before Judge Conkling.

Direct resumed—It may have been six weeks after that that I was examined before Judge Conkling; was examined also before the Grand Jury.

Williard Johnston—called and sworn: Reside in Fulton, Oswego county; engaged in a contract for building locks; known Salmon for 8 or 10 years; lives in Granby, opposite Fulton, and three miles off—is a farmer; I was at Syracuse on 1st of October; did not go with Salmon, and did not see him there; was not at the riot; saw Salmon at Fulton the next morning at 9 or 10 o'clock, on arrival of cars on the side walk, at Fulton, near the Post Office; think he came over in the omnibus—not certain; Salmon said the time they were breaking into the Police Office, there was some hesitation, and he told them to "go ahead—Oswego was there—and would stand by them;" he said after Jerry came out, he said "we" or "I" assisted in putting him into the wagon, and that Jerry had gone away where they would not find him; cannot say positively that he said anything about tarring and feathering; Baldwin was present.

Cross-examined—My best recollection is, that these are the words used—Baldwin was present; I think I first spoke of it a day or two afterwards, in the presence of a dozen; we were talking about the matter; I think Allen, the Deputy Marshal was there, and that I went with him to the District Attorney's office; went to Syracuse to collect a note; Mr. Salmon is a very exciteable man; have frequently heard him talk of the subject of Anti-Slavery in moods of excitement.

Q.—What is his manner? Objected to.

The Court—Do you propose to show details?

Mr. Nye—We propose to show that on this subject, in conversation, the defendant is wildly, extravagantly, and incoherently; and propose to show it by this witness.

The Court—That would not exonerate the defendant.

Mr. Nye—Is there any different rule from that in capital cases?

The Court—Do you set up the plea of insanity? If so, then I will decide as to your questions as they arise.

Mr. Nye—The authorities are that, when a person for a long time talked wildly, extravagantly and incoherently, on any subject, he is presumed to be a monomaniac on that subject.

The Court—Then it would exonerate him from responsibility.

Mr. Nye—The authority of the books is, that when a man is proved to be a monomaniac on a subject, he is not responsible; and we propose to show that he is a monomaniac.

The Court—A man shown to be a monomaniac is not responsible on that subject. A man who is not an expert, is not to testify that a man is a monomaniac.

Mr. Nye—To be sure we do not. We propose to ask how the defendant has talked.

Witness continued—Have often heard defendant talk on Abolition; his manner depends on what he is saying and who he is talking to; if the man gets excited, he gets more so; Salmon very easily gets excited on this subject.

By a Juror—Do not think he is any more excited on this subject than on any other, where he meets one opposed to him.

The Court then took a recess.

[In the afternoon the Prosecution closed, and the Defence opened by Mr. Sedgwick. The defence then called Rev. Mr. May, when the Court Adjourned.]

SEVENTH DAY—AFTERNOON SESSION.

The Court met at 3 1-2 o'clock.

The District Attorney called

James Scott—Reside in First Ward; keep what is called Scott's Hotel; know Salmon; saw him evening of the rescue—came to my house after it was over, I think it was 7 or 8 o'clock in the evening; I was at the riot, and it was after the rescue that he came to my house; do not recollect who came with him; he was in the office, and I was out and in, and there were several there; Salmon said that the men who had the plank hesitated, and he told them, "go ahead boys, Oswego county is here," that they were breaking into the office with the plank; did not hear him say what they did with Jerry, or anything about the wagon; James Ball, James P. Haskins and Hiram Higgins were present; he spoke loud; do not recollect anything else he said.

Cross-examined—He did appear to be in a state of very high excitement that night; he appeared more excited than when he was selling wood.

Direct resumed—Have not done much business with him.

Cross resumed—Should think he was more excited when talking on Abolition than on any other subject.

Rufus B. Payne called and sworn—Reside in Granby, Oswego county, about five miles from Salmon's; live about as far from the river as he; I know him; think he went up to Syracuse on the first train, and I went on the second; first saw him between Salina and Syracuse; he was going towards Salina between four and five in the afternoon; was in Salina, all the day; I was on my way home, to take the cars, and I turned and went back to Salina with him; after supper at Scott's together, we went back to Syracuse; we went to Mr. Leonard's office; went to the Police office; it was duskish; a little after dark; we both went; stopped near the end of the bridge next to the Police office; 8 or 10 feet from the Police should think; a gentleman, a white man, was speaking to the crowd; was a little elevated; the man got down when he was through speaking; he got up and spoke again; he went out of my sight, while down; he said if he addressed them any longer he should ask them to disperse, and said—"will you disperse?"—a good many responded—some said "No," some said "don't leave the ground"—Salmon said "No"—don't know that he said it more than once—a good many said "No"—he further said that "there were a good many friends from Oswego there;" this is all I can swear; I can swear I heard him say; can't say as he said what the "friends" were there for; don't know he connected his "No" with his other remark; was there when they broke in the windows; should not think it was a half an hour after Salmon said this; it might have been within a few minutes of half an hour; do not know how they broke in; did not see any plank; thought they had one, or a rail, by the motion; when they commenced battering down the door, I stepped back about the centre of the bridge; I went about ten feet; Salmon had been standing with me; do not know where he went; did not go back; there was a crowd where we stood; I can't say that he advanced—I turned and went the other way, and I could not tell one man from another, where I left him; the window was next the canal, I should think; I did not hear Salmon's voice in the crowd, to distinguish it from any other voice; did not see them break the partition inside; did not see a plank or anything else enter the house; heard firing; looked for Salmon after that, after Jerry had gone off; supposed I saw Jerry come out; went to

Mr. Goodrich's and to two or three other public houses, to find him—I expected to stay with him; could not find him; I don't know whether it was at the California House, or at Brintnall's that I staid; next saw Salmon in the cars, at Syracuse, next morning; he asked me if I saw Jerry get into the wagon; he said Jerry was very much frightened, but can't recollect the name of the place; I was sworn before the Grand Jury.

Question—Have you forgotten all you swore to before the Grand Jury?

Witness—I have had something else to think about since then, besides the Jerry Rescue.

Witness continued—Think he said Jerry was frightened when they put him in the wagon; said Jerry was with his friends; don't recollect that he told me Jerry asked him anything; I don't know as he asked me if I saw Jerry in the wagon; he blamed me for running the other way, and said he did not leave him till he saw him in the wagon; this conversation was before we reached Fulton, and I think before we started; said his friends did not take so active a part as he supposed they would; I don't recollect of his saying that any were not there, or that they denied being there; when we came up from the First Ward, he said Jerry had been arrested; can't swear now to what he said; said there had been a rescue, and he was there.

Cross-examination—May have been at Leonard's a half an hour; Mr. Leonard went with us to the bridge; don't recollect seeing him afterwards; have lived in the same neighbourhood with Salmon about four years; I should think he was a very excitable and extravagant man.

[Concluded on Fourth Page.]

National Anti-Slavery Standard.

, All communications for the paper, and letters relating to its pecuniary concerns should be addressed to* SYDNEY HOWARD GAY, *New-York.*

†‡† *Donations to the Treasury of the* AMERICAN ANTI-SLAVERY SOCIETY *may be forwarded to* FRANCIS JACKSON, *Treasurer, at Boston; or to* SYDNEY HOWARD GAY, *New-York.*

NEW YORK, THURSDAY, FEBRUARY 24, 1853.

SPEECH OF THEODORE PARKER

AT THE

Annual Meeting of the Massachusetts A. S. Society, Friday Evening, Jan. 28, 1853.

PHONOGRAPHICALLY REPORTED BY J. M. W. YERRINTON.

LADIES AND GENTLEMEN: I do not know to which of these Resolutions I shall speak; but if I am not in order on some one of them, perhaps I shall be on some other. First, however, I will ask your attention to a consideration of the aspect of Slavery in America at this time.

A few months ago, two Pro-Slavery Conventions nominated their candidates for the Presidency of this Republic; and the one which was the most strongly pro-slavery has since succeeded in electing its candidates. So far, therefore, as the Presidency is concerned, it is, of course, pledged to Slavery. The Senate seems likely, for the next four or six years—certainly for the next two years after the Fourth of March—to be more pro-slavery than before. Mr. Davis, who has been, at the worst, indifferent towards the matter of human freedom, is, I doubt not, to be succeeded by Mr. Everett, of whom we cannot begin to say that he is indifferent to the cause of human freedom; for we know that, long ago, when he first entered Congress, he declared that he was ready to shoulder his musket, and march to Virginia, to put down any insurrection of the slaves. Mr. Everett is a man of large abilities and consummate learning. He is one of the most thoroughly educated scholars in all Christendom. His learning is as varied as it is exact. He has a diligence which labour does not tire, and which surrenders only to sickness. He has done some services for which all men may feel grateful. He has long sought to check the intemperate use of strong drink, which so enfeebles the people. He abolished drunkenness at the tables of Harvard College. He is an old and consistent friend of the public education of the people. He has an eloquence—it is only surpassed by one voice, now silent. [The speaker pointed to Mr. PHILLIPS, who sat directly behind him, and the allusion was greeted by a tempest of applause.]

'A fairer person lost not heaven; he seemed
For dignity composed, and high exploit.'

It seems to me that we could not send into the Senate of the United States a man more determinedly and more dangerously and more deadly hostile to the cause of human freedom. We know his ability, we know his industry, we know his learning, we know his skill; we know, also, his ambition, and to what purposes his learning, industry and skill have been and probably always will be directed.

We lose an early and noble friend from the Senate House. The Fourth of next March sees JOHN P. HALE a private man; and you know with what earnestness, with what assiduity, with what unfailing good humour, he has defended the cause of man. His place will soon be vacant, and many Honourable Senators, from the North and the South, will congratulate one another that the voice which has made them quail before its keen witticisms, will presently be heard in the Senate no more. But in his place there comes Mr. Atherton—'Gag Atherton.'

It is curious to see the course which the American Government has taken in respect to Cuba and Hayti. For twenty or thirty years, silently and unseen by the people, it has been plotting to re-annex a great and magnificent slave territory to the United States. I said *re*-annex accidentally; but it is just as true in its application to Cuba as it was to Texas. Texas was no more re-annexed than Cuba will be. It was *first* annexation, and not *re*-annexation. It is curious to compare the published letter of Mr. Webster to Mr. Walsh, giving instructions how to proceed in Hayti, with his private instructions, telling him how to deal at the same time. The one was instructions how to proceed in public; the other, how to *intrigue* in private. England has been trying to check the slave trade, and the United States has indirectly fostered the slave trade. England has been endeavouring to establish freedom in Cuba; America, to establish Slavery there, and confirm it more strongly. Some of you have read, perhaps, the correspondence of Lord Palmerston with M. Miraflores, as published in the city papers of this morning. It is curious to compare the Noble and Monarchical Palmerston with the Republican and Democratic Daniel Webster, and see how Palmerston was continually endeavouring to extend freedom and establish it there; and the Democrat of New Hampshire was striving to put freedom under the American foot. It is a most painful commentary on the conduct of the American government.

If you look at the Supreme Court, you will see a strange spectacle. Not many years ago, the Supreme Court of the United States decided that all laws of the individual States tending to interfere with the article of the Constitution which provides that fugitive slaves shall not recover their freedom by escaping into a free State, were unconstitutional; that where the Constitution gave the Federal Government jurisdiction in any matter, that that jurisdiction was final and exclusive; and the States had no right to interfere in the slightest degree. Last December, a case involving the same principle came before the Supreme Court of the State of Indiana, which passed a law enforcing and aiding the law of the United States for the protection of masters endeavouring to capture their fugitive slaves. A man in Indiana had incurred the penalty of five hundred dollars, and died without paying it, according to the judgment of the Court. His heirs contested the payment, carried the case before the Supreme Court, and contended that as the jurisdiction of the United States was exclusive, it nullified and made unconstitutional all legislation of the several States aiming at the same thing. These men contended that the statute of Indiana, under which their father was punished and fined five hundred dollars, was unconstitutional. But the Supreme Court, which had decided that the States could not interfere to protect the freedom of their citizens, has now decided that any legislation of the States in favour of and in aid of the constitutional jurisdiction in this matter is perfectly constitutional, and that the fine must be paid. The States cannot legislate for freedom where the Constitution gives the General Government the power; they *may* legislate in favour of Slavery in such cases, and the Supreme Court sustains that legislation. Indiana must not legislate in favour of the life of her citizens. She may in favour of the *live stock* of a slaveholder. This is a point which now seems to be fixed, and I suppose it determines the character of the Supreme Court for some time to come. I am sorry to say that the New England addition to that Supreme Court is not an addition at all in favour of Freedom, but in favour of Bondage and Wrong.

Look at the position of the various States in respect to this matter of Slavery. A year ago, the Coalition had partially succeeded in Massachusetts, representing certainly a majority of the people. That has now been defeated by the death of Mr. Rantoul, which at first seemed eminently unfortunate to his party and disastrous to the Commonwealth; and a strong pro-slavery party is now entrenched in the Capitol, and holds the destinies of this State in its hands for one year; and everything that Hunker Whigs and Hunker Democrats can do to make more heavy the yoke on the slave's shoulders, and strengthen the chains on the hand and the fetters on the feet of the slave—that, of course, will be done by the men who exercise 'a little brief authority' in this Commonwealth; they are pledged to that.

If you look at some of the other States, a stranger spectacle is presented by them. According to public law, and particularly that of Christendom, Slavery is sectional and Freedom is universal—the birthright of every human being. Therefore, according to the public law of all Christendom, recognised in all the courts of the civilized world hitherto, if a man escapes from bondage, and goes into a country where bondage is not allowed, he becomes free, unless there is a compact between the States to forbid it. If a slave escapes from slave soil into free soil, he becomes a free man, because he resumes the birthright which has been taken from him by positive enactment. Again and again has this principle been recognised by the courts of even our slave States.

You are all familiar with the Lemmon case in New York, where slaves *in transitu* were recovered and reclaimed for freedom. But just now, within this present month, a man has introduced a bill into the Legislature of New York, providing that slaves *in transitu* may be carried through that State, and receive the protection of the laws thereof. I will not insult that State by supposing that such a law can pass. No! it cannot pass. But it is an amazing spectacle, that in the 'Empire State' of New York—the most Democratic of the Northern States—as she has long boasted herself to be—that such a proposition as that could be heard, even for a single moment, in the Legislature which makes laws for three millions of people!

A similar bill has been brought into the Legislature of the State of Pennsylvania; and when you consider who is the Governor of Pennsylvania, and what was the issue in that State at the time of his election, and his character as a man, and the controlling influence of the 'Keystone State' of America, with its two millions of people, you must not be astonished if that bill shall become a law in the State of Pennsylvania. It is not surprising that Gov. Bigler should recommend such a measure. It will be surprising if it does not pass.

A proposition has lately been made in the Legislature of Virginia, which is an astonishing one, and would breed amazement in any other country that calls itself by the Christian name. I refer to a bill which is now before one of the branches of the Virginia Legislature, providing that the Commonwealth of Virginia shall take all the free coloured persons of the State, and sell them into Slavery for a term of years, until their labour shall have accumulated a sum sufficient to transport them across the Atlantic to Africa, and take charge of them here. I say, a proposition so monstrous as that would be regarded with amazement in any other portion of the world. Why, we look with horror on this fact, that the Emperor of Russia takes men who have transgressed the laws of the Empire, and, at his own cost, carries them to Liberia for a few years or for life. All Christendom looks with horror on the conduct of the Russian Emperor in this matter. But to take a body of unoffending men, who have been guilty of no fault, and sell them into bondage until their services have accumulated a sufficient sum to pay for their transportation to another Liberia—why, if this proposition were made in any other country, the whole land would ring with indignation at such a proposal. But I think there are only two newspapers in this city that have ever spoken a word against it; and I think there are only two that *will* lift up their voices against it. I am speaking of the political papers; I do not mention the theological; perhaps these all, in their great love for freedom, will find fault with it; you shall see (laughter and cheers).

So much for the Federal Government, with its Presidency, its treaty-making power, its Supreme Court, and Congress. So much, also, for the conduct of the individual States. One thing more I ought to say of that. In his recent Message to the South Carolina Legislature, Governor Means lays down this abstract principle—that the State of South Carolina has an inalienable right to seize the persons of any coloured citizens that come into her territory from another State, and put them in jail, or sell them into Slavery, according to her sovereign will and pleasure. South Carolina regards herself as eminently a Democratic State. Following the lead of Mr. Calhoun, who was only subtle, not metaphysical, her politicians aim to be metaphysical, and lay down general rules. This law I have just mentioned is a sample of South Carolina metaphysics and South Carolina abstract justice. This statement creates no outcry at all; no notice is taken of it, so far as I know, by leading journals.

I come now to speak of the aspect of the Church; and by the Church, I now mean not the mass of Christian worshippers, but the men who manage the meeting-houses (cheers). Sometimes it is the minister, and sometimes it is a 'power behind the throne, which is greater than the throne itself'—I mean to say sometimes it is something more ministerial than the minister (laughter); it tells the minister how he should preach and pray.

You certainly may be pardoned for being amazed at the pro-slavery character of the American Church just now. I think that, since the days of good Dr. Mayhew, the churches of Boston, as a whole, have never been so strongly pro-slavery as they are at this moment. Just in proportion to the increase of gold in this city has been its power; and just in proportion to its quantity of power has been the decline in the spirit of piety, so far as freedom is concerned, in the churches of this great town. It would be very easy to point out instances. You know that when the members of one church in this city were kidnapping the members of another church, there was scarcely a 'respectable' clergyman in the town to lift up his voice against the heinous crime, the hideous iniquity, in the midst of the New England Zion. I need not refer to these things. I will speak of the sermons delivered in eulogy of Daniel Webster.

I think there have been nearly a hundred and fifty such sermons preached. With the exception of a noble discourse delivered by my friend at Worcester, (Rev. T. W. HIGGINSON), one brave sermon preached at Lynn, by Mr. JOHNSON, and a third honourable and right-down Christian discourse delivered by a man whom you all know very well—that Christian gentleman, SAMUEL J. MAY, of Syracuse (loud cheers)—with the exception of these three, and two or three more, I think there has been no clerical voice lifted up against the wrong deeds and notorious wickedness of that powerful man. Out of the one hundred and fifty sermons that have been preached, I am free to say, a hundred and forty have not a whisper of fault to find with that man. And yet consider how much sorrow and misery and woe are caused by the wicked deeds of powerful men done in high places! Men in power, engaging in important matters, they every day put in force a motion which the people know nothing of—it may make war or peace; it may lead to the welfare of the nation, or it may drench the ground with the blood of thousands of men. If there is any wickedness which ought to be pointed at by every clerical finger, and rebuked by every ecclesiastical voice, then it is political wickedness, wrought in high places, and by men of immense ability. But, out of the one hundred and fifty clergymen who have spoken on this subject, I am safe in saying that one hundred and forty have been false to their trust.

A little while ago, the politicians had some censures to bestow on that powerful man. Since his death, the Hunker politicians seem to think that his opinion is an amendment to the Constitution; and the pro-slavery clergy, they seem to think that his practice was the great evidence of Christianity (cheers and laughter). I am not speaking without book. A prominent clergyman thanks God that Mr. Webster gave in his adhesion to Christianity, and he thinks the Evidences have a much stronger argumentative look since Daniel Webster declared he was a Christian. They cite his daily life as good 'Evidence of Christianity.'

One other thing let me mention, as proof of the intense pro-slavery of the American Church. There is a Baptist church in this city, in which no coloured man can hold a pew. The title deed runs after this sort—I quote the sense, not the sound: A man has the right to give, grant and convey the same to any *white* person, without the consent of the Society. Of course, he has not the right to convey it to any *coloured person!* Well, a distinguished pro-slavery clergyman from the South came and stood in that pulpit and preached there (I refer to Baron Stow's pulpit, on the corner of Rowe and Bedford streets). A distinguished pro-slavery divine came and preached there last summer—a man who, it is said, 'owns' several scores of his fellow-Christians—and it was a matter of congratulation in the pious newspapers of the next week, that such was the charity and large-mindedness of the great city of Boston, that this man could come and preach in one of its pulpits, and be heard by the 'Christians of Boston,' with great approbation, and that the fact should not excite any animosity! I do not know whether St. Paul would have had a trader in human flesh come and stand in his pulpit at Corinth, during the two years of his ministration in that place—I leave that for you to judge.

Let me say a word as to the character of the Press. Since our last gathering here, in January, 1852, a work has been published in this city, which, as my friend Phillips said last night, is 'more an event than a book,' and has excited more attention than any book since the invention of printing. A year will not pass by before there will be half a million copies of *Uncle Tom's Cabin* in the hands of the English and American public (great cheering). Something more than two hundred thousand copies have already been distributed in this country. Nineteen editions are on sale in the United Kingdom; there are two translations into German in this country, and three in the father-land, the other side the sea; there are three translations publishing, at this moment, in the *feuilletons* of the Paris journals, and two more independent translations of the whole work that have already gone out to the French public. Such a triumph as that was never known before, since the sun began to shine. And the triumph is not due alone to the intellectual genius and culture of the writer; it is due to a quality far higher and nobler than mere intellect. Commanding as is the eminent genius of the distinguished author, she has won this audience because she has appealed to their Conscience, because she has touched their Hearts, because she has awakened their Souls. She has brought justice, love and piety to bear the burden which her genius imposed upon them, and well may her word run swiftly, and have great success (cheers). New England Orthodoxy never did a better thing.

It is pleasant to see the comments that are passed upon this production the other side of the water. In France, the most accomplished woman—the woman of the greatest genius that France has ever produced—a woman who writes with the vigour and ability of the golden age of French literature, and at the same time with the humanity you shall vainly seek for in the pages of free-thinking Voltaire or Catholic Bossuet—humanity as wide and deep as that of Fenelon—she heralds this work to the French public. And it is a little remarkable, that Madame Dudevant, with the great and universal reputation for talent and humanity—scoffed at and scorned, at one time, by the British and American people, on account of her free-thinking—it is remarkable that she should take the daughter of a New England clergyman, the wife of an Orthodox Professor of the day, by the hand, and introduce her to the public of France (loud cheers). It is a beautiful thing. It is the 'extreme left' joining hands with the 'extreme right.' There is one and the same womanhood, the same humanity in the two.

George Sand has trod under her feet many doctrines that are dear to you and dear to me; but she has devoted the latter days of her life—and it has been rather a grand life, on the whole—to humanity, in its noblest forms, though they are forms despised. It is a beautiful thing to see a woman who has electrified all Europe in behalf of down-trodden and prostrate humanity, reach her hand across the Atlantic, and take Dr. Beecher's daughter by the hand, and ask her to plead with the French people for three millions of men trodden down and oppressed by the Democracy of the Western world (cheers). Said Pagan Cicero, two thousand years ago, 'Literature is a common bond amongst men and amongst nations.' It was never a common bond that reached so wide and held men so strongly as now; and I know not so fair an evidence of this as the union of these two women in this great and proud work.

You know the comments that have been made on this work in England and America. It was curious to notice the tone of the Hunker press when the book first appeared. With one ear turned North, and hearing little, and with the other ear turned South, and hearing a great deal, some of the Hunker editors did not know exactly what to say. But, true to their instincts, they have lent a willing ear to the South, and obeyed the words they heard in that quarter. Soon, tidings of great applause came over the water. You know the commendations bestowed on the Book by Chief Justice Dunham, by the Earl of Carlisle, and by Arch Bishop Whately, in England. No American book, no English book was ever so much perused there in so brief a time. It was curious to notice the comments of the Boston press on this book. I will read one or two.

You all do know the *Daily Advertiser* (laughter and applause). I thank you for the applause to the *Daily Advertiser* (roars of laughter and cheers). The *Daily Advertiser* announced that the Duchess of Sutherland, with some other ladies of England, had published a letter, calling on the women of America to do their part towards enfranchising their fellow-citizens held in bondage. The letter was published here; and with marvellous promptness—within less than a week—(laughter)—the *Daily Advertiser* had a comment upon it. And what is remarkable, the comment was in poetry—what is called poetry in that journal, every line beginning with a capital (laughter and cheers). I cut the comment from the paper, and pasted it in a book, and it is a singular coincidence, that on the other side of the poetry is the 'Annuity to Daniel Webster,' and I must hold the paper between the light and myself, for the annuity is so thick, I can hardly read the poetry (great cheering).

'Ye noble English ladies,
Who live at home at ease,
How less than little do you know,
Of things this side the seas.
A gloomy shadow o'er the deep
Some morbid fancy throws,
And straight what pearls are in your eyes,
That fall for unfelt woes.'

The black man does not *feel* any *woes!* Peter Still, who was here the other day, asking our aid to help him buy his wife and children, after he had bought himself—his *woes* are all *unfelt!* When the stripes came on his back, he did not cringe; and the flesh did not quiver when the lashes tore!

The black men are very happy:

'On Georgia's broad Savannahs,
By Carolina's streams,
The merry, careless negro mocks
Your unsubstantial schemes.'

The slaves don't want to be set free; O, no!

'Hold back the stone, fair ladies;
Restrain your generous glow,
Nor heed the sad and silly stuff
Retailed by Mrs. Stowe.'

Ah! fair and gentle ladies,
You know not what you do,
'Mid all the ills you seek to cure,
Perchance are blessings too;
Dread lest your gifts be like that one,
Ere human woes began,
Wherewith your primal ancestress
Tempted and ruined man.'

The letter of these ladies is to be like

——— 'the fruit
Of that forbidden tree, whose mortal taste
Brought death into the world, and all our woe!'

The English ladies are the new Eves, who are to bring down the American Adam to the ground, and turn him out of Paradise by abolishing Slavery (laughter and applause).

That is the beginning; but the *Daily Advertiser* goes further. Having begun with rhymes, it goes on to reason. Here is another communication, of which the lines do not begin with capitals (laughter).

'May I not suggest to your Grace and to your fair associates, without discourtesy, that it may be possible for the kindest and most sympathetic beings to be so sadly immersed in such a mephitic moral atmosphere as to be unable to discern that *all* their benevolent exertions are as much needed at home, and that travelling three thousand miles for a field of operation is truly a work of supererogation.'

These women had acknowledged, at the first, that their fathers fixed the stain on America; and thus acknowledging they travelled a little beyond the record, for Jonathan began it, a great while before John Bull ever aided him, or said a word about it. Besides that, they say, We have great sins at home to be repented of, and ask God's pardon for our weaknesses, and his aid in removing them. Then this person, adds, 'The adage about glass houses and throwing stones is rather stale, yet I seriously commend it to your consideration;' and then gives an extract from a work of one of our own ministers to the poor (Rev. Dr. Bigelow), describing the sad sights of misery and wretchedness he saw in London. He then charges them that they should look at home first; and reminds them that charity should 'begin at home—and stay there'! That is a trick which I thought Charity had not yet learned. I thought Charity began at home, and then went every where (loud cheers).

Then the *Daily Advertiser* copies from the *British Army Despatch* an article which, it says, 'We quote almost entire, as showing the estimation in which the recent letter of the Duchess of Sutherland is held by at least a portion of the sensible people in England.' Here are some of the remarks of the 'sensible' person:

'Mrs. Stowe has libelled her countrymen: let them look to that. England need not back her with Holywell-street ignorance and Exeter Hall cant. If she do, she will sow the wind and reap the whirlwind. Every American in London is disgusted with the Uncle Tom mania here. If he go to a theatre, he is insulted and shocked. The English people, on the other hand, are deluded into the falsest notions of America. When the slave in the drama escapes into British India, there is a cheer. That cheer may cost us some day our best alliance. At this moment, the interests of England and America should be one. Why do not English ladies interfere on behalf of the enslaved French people? We believe, on the other hand that Louis Napoleon is popular with them. If England interfere with American Slavery, she will not effect her object, but the result may be, ere long, that she will be enslaved herself.' * * * 'Yes, we are cutting our own throats with this hypocritical, lying sympathy. Let British ladies, if they want a safety valve for their hysterical emotions, as well as a means of notoriety, form a committee for the emancipation of the monkeys which afford them so much amusements on Sundays in the Zoological Gardens. A more touching and a more truthful work than *Uncle Tom's Cabin* might be written on the sufferings of these.'

This is the comment, by quotation, of the *Daily Advertiser* on the Duchess of Sutherland's letter, and the reception of *Uncle Tom's Cabin* in England.

I have purposely avoided all extracts from the theological newspapers. They are commonly called 'religious,' but the word 'theological' describes them without a metaphor, and with no figure of speech. I give these from the *Daily Advertiser*. But that journal was not always of such a stamp.

The *Daily Advertiser* 'once was young,
And fortune smiled deceitful on her birth.'

I remember when the *Daily Advertiser* was the champion of freedom (some of you smile, but I am stating historical facts). In 1819 and '20, the *Daily Advertiser* lifted up a bold, and strong, and manly voice against the extension of Slavery beyond the Mississippi river. No newspaper in the North more steadily battled against the Missouri Compromise than the Boston *Daily Advertiser*—then under the charge of the more youthful Nathan Hale. There has always been a good deal of scholarly talent connected with that paper, and in its better days it did good service; but it has come to this complexion at last. Some years ago, when there was a rumour of war between England and America, we were very glad—all the North was very glad—to receive the peace sympathies of England. You remember how old Boston, on the east coast of England, which still keeps the great church where John Cotton preached, and which he left to become the minister of the first church in this Boston—you remember how old Boston sent its greetings to the new Boston, and said, 'We are sister cities—let us love one another!' You remember how gladly the new Boston of New England answered to the old Boston of our father-land. When old Plymouth spoke to the new, old Bridgewater to the new, and when old Manchester sent greeting to its namesake this side the water—you remember how glad we all were, and what comments the newspapers made, saying that this was the beginning of 'the era of good feeling,' and our brothers beyond the sea were helping us to keep the peace! But now, when a word is to be said in England for the black man in America, it must be treated with contempt and with scorn! And yet, at the same time, when the Grand Duke of Tuscany imprisons some men because they had read the Italian Bible, America is roused; the ire of Dr. Cox knows no bounds; Dr. Bethune grows eloquent even; and Edward Everett, the Secretary of State, writes a letter—it must be a scholarly and a graceful one—to his friend the Grand Duke of Tuscany, begging him to interfere and set the Madiai family at liberty. I am glad of this. I rejoice at any tie of humanity which binds the nations together. I should have been glad if the Secretary of State for China had written a letter, last Summer, to the Governor of California, asking that the fifteen hundred Chinese in that country might have the privileges of American citizen. It would have helped to marry the Caucasian and Mongolian into one family, and would have been another help towards Christianizing the four hundred million Pagans of China. I rejoice at this sympathy for the Madiai family; but would it not be a very proper comment for the Grand Duke of Tuscany to say—'I have imprisoned a single family for reading the Bible, which the law forbids. You have got three millions of men, and have passed laws prohibiting any one from learning to read the Lord's Prayer or to read any thing. Let your Bible Society give English Scriptures to American slaves, before you quarrel with me for not doing what your laws forbid at home.' I trust the Grand Duke will not do so foolish a thing, for, as the *Advertiser* says, 'Two fogs do not make a sunshine.'

As a general thing, the political press of America is strongly opposed to freedom—the freedom of the blacks. Liberty wanders among editors as a strange spectacle, and the eyes of men look thereon, not with approbation.

But there is one institution in the land, which just now, in Boston, at least, is lifting up its voice somewhat in behalf of freedom. When I was a young man—no! before that—when I only *thought* myself a young man, and was merely a large boy—it was my privilege and my good fortune to sit at the feet of the venerable man whom I see before me now; and I remember very well when Dr. Beecher said (great cheering), in his pulpit, that he thought, before ten years had gone by, there would be a steeple on every theatre in New England! The venerable man set his feet forward in that work, and half ten years did not pass by before there was a steeple on every theatre in New England. It did not mend the matter much. But now, theatres have come up again; and while the work of that venerable Doctor's daughter is read out of the churches, while its doctrines cannot be preached there, Mr. Kimball opens the doors of his theatre, and *Uncle Tom's Cabin* is played to large audiences, eight times a week (loud cheers). I thank God that when Humanity is excommunicated from the Boston church, she can yet find a resting-place for the sole of her foot in a Boston theatre (cheers)! Some years ago, my friend Brother Spear (who sits at my side) asked Mr. Kimball why he did not have some play that touched the humanities, and was moral and elevating in its tendency? 'Why don't you have an Anti-Slavery play?' asked Mr. Spear. Whereupon, Mr. Kimball said—'I can't get the audience; but as soon as you will get the people outside ready to come in and see an Anti-Slavery play, I will perform nothing else' (cheers). Now, *Uncle Tom's Cabin* has got the outsiders in favour of humanity, and Mr. Kimball opens his doors. In due time—when the wind blows strong enough in that quarter—I suppose humanity will get in even to the churches (applause). Says the theological student to the Devil, in the play, 'What! can the player instruct the priest?' 'By all means,' quoth Mephistopheles, 'if the priest himself is but a player!'

Well, putting all these things together, the present aspect is undeniably a sad one. The Federal Government is pledged to Slavery. Efforts are making by the present Administration, by the Senate, by the Supreme Court, to make Slavery national and Freedom sectional, even if it be not, as somebody said, that 'Slavery is to be national, and Freedom nowhere.' It certainly is sad, when you see States like Massachusetts in the hands of the enemies of human freedom; when you see bills like these I have named brought before the Legislatures of five millions of people in New York and Pennsylvania; when a man, representing the Democracy of Jefferson and Madison brings forward such a proposition as that to which I have alluded in old Virginia; and when South Carolina is doubly disgraced by the Message of Mr. Means. It is a sad sight, when the press of both political parties seem resolved to tread every sixth man down to the dust, when the great meeting-houses have no prayers to offer for the sufferers, and when Humanity is read out of the 'sacred' church to find a welcome in the 'profane' theatre. The aspect seems indeed a sad one. But look at it again, and there are crumbs of comfort which have fallen from this pro-slavery table, and I suppose you and I may pick them up.

We are to have a Northern President, and, say what we may, Northern men always have some reserve on the subject of Slavery. Let them give in never so much, Southern men know that they are false to their birth, that they are false to their breeding in doing it, and that they cannot be wholly trusted. No man ever bowed lower to the South than Daniel Webster; no man ever humbled himself more abjectly than he before his Southern masters; but yet, there was behind him what he had got from the militia captain who fought for independence; there was what he sucked from his mother's breast; there was what he had breathed in the very air that fans his New England hills; *fans*, did I say? which sweeps with the northwest wind over the New England hills; there were his own proud words, uttered every year of his life, from Dartmouth College to Washington, from 1799 to 1849; there were all these things, and the South knew it, and they would not trust him. They knew that, so far as a Northern man is honest, he is in favour of freedom; and so far as he is false, they cannot trust him. There is always some reserve on this matter of Slavery, even in the worst of Northern men. Nobody ever knew better than Martin Van Buren how

'To crook the pregnant hinges of the knee,
Where thrift may follow fawning;'

but sometimes even the supple knees of the 'great Magician' refused to bend, and stiffened up hard as iron, and all the Southern dirt in Texas could not get them down. Even Mr. Everett, with his Middlesex firelock on his shoulder, thinks the African of the nineteenth century is less a savage than the Anglo-Saxon of the ninth, and seems to think there are ninety millions of men in Christian Europe quite as barbarous as the ninety million heathen in Africa. He admits that the slave is 'a man and a brother.' It has been so, it is always so with Northern men. There is something in them which will not yield wholly to Slavery.

I hope for some good things from Mr. Pierce. There is one thing which leads me to hope yet more from him. He is an ambitious, but not a bad man; and just now, the hand of misfortune is so exceedingly heavy upon him—in a moment, his only child lay dead before his eyes—I cannot think that such an event as that is to pass over a Northern man, who knows he is elected President, without teaching him that, great as the station is, and 'great' as the President is, there is a 'higher law' yet; and if Mr. Pierce ever scoffs at the 'higher law,' and stoops his knees so low to this Demon of Slavery as some of his Northern predecessors have done, then I shall be astonished! Let us expect better things of the man; and let us give him a fair trial, and all manner of hopes. Besides, he has a noble woman for a wife, and the dew which falls from such a sky might call forth beauty and harvest both from almost any soil. If a statesman with a good and able wife becomes corrupt, he must have an uncommonly bad heart, and be very basely born.

Then, too, in the Church there is something to hope for. Scattered all over the land—in all the towns and villages—there are a few exceptional men—noble men they are, too—who lift up their voices proudly, constantly and mightily in behalf of the right. It was the painful duty of my friend Mr. Phillips, last night, to speak of hopes that were disappointed, and anticipations that crumbled to the ground before the hand of a great man, who had 'too many irons in the fire,' and could not put in an Anti-Slavery bar, because his forge was full! But there were other arrows in his quiver, which men saw not; and now, I thank God, that in a great pulpit, on the heights of Brooklyn, on Long Island, the son of Dr. Lyman Beecher stands, week after week, year in and year out, and blesses every Sunday morning and hallows every Sunday night, with an eloquence which is a stranger to the American Church, poured out in defence of the highest rights and the noblest duties of mankind (loud applause). Most of us have the misfortune to be reckoned heretics by the churches; I myself have fallen under the suspicion of not being *wholly* Orthodox (laughter and applause). But my friend Ward Beecher belongs to that great and powerful band, which has inherited the spirit of the Edwardses, the Hopkinses, and the Emmonses—which has inherited their logic and their strength; and which has got the humanity and the common sense of Mayhew, the piety of Buckminister, and the philanthropy of Channing; and he wields these weapons with a mighty power, which is an astonishment in the land. There is another pleasing spectacle. Dr. Beecher himself, 'the father of more brains than any man in America,' has brought us the benediction of his venerable head, to which, orthodox or heretics, we have all looked up so many times for guidance and a blessing. Uncle Tom, the youngest of the Beechers, has been on our side this good while. I think he will convert his grandfather, and then we shall have all the family (loud cheers).

It is rumoured—and on pretty good authority, too—that a little before Mr. Webster ceased to be mortal, he told a clergyman of this city—I undertook the defence of Slavery after this sort: Before I went into that matter, I was entreated by Southern men and by Northern men; I was told, if I espoused the cause of Slavery, I was sure to be nominated for President; I was told this, not only by Southern men, but by Northern men—politicians—men eminent in commerce—by Doctors of Divinity. Now, I am satisfied it was the great mistake of my life, and Ward Beecher and Horace Mann have more power than I and all the South put together (cheers).

Scattered about in all denominations there are noble ministers of Christianity, who pray to the God of justice and truth, who have not read their Bible backwards, but have read it forwards, and have got the energy of the Old Testament prophets with something of the humanity of the New Testament apostles. Many of these are poor and obscure men, without weight in 'respectable' denominations, but of earnest piety. In little country towns, in the byways and alleys of great cities, silently and unseen, they are sowing the seeds of a piety which will spring up justice, and bear philanthropic fruit.

A few years ago, when my brother Gannett's parishioners were kidnapping my parishioners, and it was necessary that we should have some 'material aid' to help the poor black man, fleeing from the stripes of America to the star—the North Star of Great Britain, hated as the Anti-Slavery Society is, the Committee of Vigilance sent out letters to all the clergymen of the State of Massachusetts, telling them their need, and asking for help. Clergymen from the churches of Commerce did not condescend to give us a reply; but little Methodist churches, little Baptist churches, humble, obscure, Unitarian, Orthodox, Universalist ministers, they made a long arm, and they dropped the widow's mite into the poor negro's chest here in Boston, and blessed many a heart. The dark places of the earth are full of the habitation of cruelty, but in all the homes of the really religious, there is light.

The letters which we received at that time—I myself had the honour to be connected with that movement, and it was the one great honour of all my earthly life—those letters, they were most tender and most touching. Men said sometimes—'We are poor. Here is three dollars, which we have collected from a little Methodist Society in the mountains, or on Cape Cod, or in some city. May God bless it! It is only a mite—the two mites of a poor widow, that make but a farthing, both of them!' And it was blessed. Let me say, also, that there was one clergyman in this city, who, in five months, got clean out of the city of Boston, and into the territory of Queen Victoria, ninety-eight fugitive slaves, that were inhabitants of this unholy Union. His name must be a proud name at the table of the Lamb, in the kingdom of God; but I dare not mention it to you. It would subject him to persecution, and we might have a kidnapper after him to-morrow, if I should repeat it to-night. It was 'levying war.'

I say, while the pulpits of Commerce have thus been true to the purposes to which they have been *clerically* consecrated, the little churches have still a deal of Christianity in them; and there are great men, also, scattered about, like Ward Beecher, whose voice extends all over the land; and humble men, engaged in the same work—a great, proud work, too.

Then, in respect, to the press—I will only speak of the political press. Here in Boston, the *Commonwealth* is strongly Anti-Slavery—almost as strong as the *Liberator* at first. I mean to say, it is on a very strong Anti-Slavery tack; it has been put under Anti-Slavery canvass, has got its Anti-Slavery suit of sails on, and is likely to sail on in that direction for a long time to come (applause). Then, scattered about in the counties are very strong Anti-Slavery papers—in old Essex, in Norfolk, in Worcester, in Middlesex; even in Lowell, cotton has not quite choked conscience out of men. In New Hampshire, in Vermont, in New York, in Ohio, all through the West, Anti-Slavery papers have sprung up—keeping their connection still with political parties, but sowing Anti-Slavery seed with broad hands. The New York *Tribune* prints ninety-five thousand copies of its paper, and it is strongly Anti-Slavery—not what I could wish it, always, but still, *Anti-Slavery;* the New York *Evening Post* and the New York *Daily Times* are doing a good work. Then, there are the Anti-Slavery papers—those which are truly such—the *Liberator*, the *National Anti-Slavery Standard*, and the *Pennsylvania Freeman*. There is the *National Era*, and I must number among them the New York *Independent*, with its seventeen thousand subscribers (cheers), edited by such men as Dr. Bacon, of New Haven, Dr. Storrs, of Brooklyn, Ward Beecher, and Mr. Brace, of Hungarian memory, filling up its columns with humanity. I say, these things look quite encouraging, spite of the pro-slavery journals of Democrats and Whigs.

Then, we have the Anti-Slavery party itself, which was the nucleus of this movement, which has gone on steadily increasing in power, enlarging its circle, and strengthening its arm, year by year. Here let me say a word of that party. My friend (Mr. Phillips) spoke of it last night. I think he did not say anything which was not true, for you and I both know that he did not say anything which was not beautiful (cheers); and it has been wisely said, that 'nothing is beautiful in rhetoric which is not true in logic.' Let me say a word of its conduct in one or two particulars.

The Anti-Slavery party has never been accused of being very mealy mouthed or very gentle in its censures of persons who do not advocate its own views. On the other hand, it has been accused of severity of treatment and bitterness of speech. I will not say that this charge has not been, in some measure, deserved. I will say, however, that no great movement, political or moral, has ever been conducted with so little severity and denunciation. Look at the apostles, within twenty years of the death of Jesus—what strifes, what bickerings! The man who wrote the Revelations had no place in the New Jerusalem for St. Paul, the great apostle to the Gentiles—the twelve foundations thereof had no name of Paul thereon, only of the Hebrew Twelve. When Paul and Peter met at Antioch, you know how Paul withstood Peter to his face, charging him with dissembling, and all that. There were hard words between Paul and Barnabas; there was great strife between Paul and 'them of the circumcision.' In the Protestant Reformation, Martin Luther ransacked all the dictionaries for obscene speech to heap on Dr. Eck, the Pope, and the Pontificate, and got Justus Jonas and other men to put on smock-frocks, and sit in low pot-houses, and to put on the liveries of footmen and mix with jockies, in order that good Martin Luther might heap objurgations on the heads of his opponents. My friend Phillips, Garrison, and the rest, say that they cannot get denunciatory words fast enough, because the 'Anglo Saxon does not coin words so fast as the Anglo Saxon sins.' I think this is true. But they have not yet ransacked Billingsgate for them, like the great Protestant Reformer (cheers).

Look at the conduct of all political parties. Why, their little finger is thicker with abusive words than our whole Anti-Slavery loins. Compare it with the language of theologians, who do not hesitate to call men infidels, atheists, and the like, and to denounce the 'uncovenanted mercies' of God upon our heads.

This sharpness of criticism, this severity of expression of the Anti-Slavery party has some good effects. It keeps all the men that are on the Anti-Slavery tack with their eyes and ears open. They look out carefully, because they know

'A chiel's amang them takin' notes,'

and certainly will print them, in the *Liberator* and *Standard*; they are therefore much more careful than they otherwise would be.

Yet, I think that we are sometimes a little unjust. We have not always allowed other men, honest as we, to pursue exactly their own individual course. I have sometimes been pained at denunciations of Mr. Mann, Mr. Hale, and Mr. Sumner. It seems to me that each man ought to be left to do his own work in his own way. I am glad that a 'top eye' is open to scrutinize the acts of public men—an eye that never slumbers nor sleeps—an eye that does not spare a friend when he falters more than a foe when he is false; I am glad of that. But it seems to me that we should have the largest toleration and the largest charity. Mr. Sumner, for example, has not done in the Senate of the United States what some other men would have done. He has done, however, what Mr. Sumner could do, and I believe he has been faithful to his light (cheers.)

I know Mr. Sumner very well. He was not born a politician. It is the exigency of the times that has put him in the Senate. He said a year ago, that he was in morals by will, in politics by accident. His conduct, therefore, in the Senate, is not what the conduct of my friends would be if they were there; but, at the same time, I think he has been faithful to himself, true to his own light, and I expect, in years to come, great and noble things from him. He has already done us great service, and the echo of his brave speech comes back to us just now from the other side the water, with the same echoing tidings that *Uncle Tom's Cabin* awoke there first. From Mr. Mann, also, we shall hear brave and noble words again, before this session comes to a close (loud cheers). Mr. Seward—prudent, far-sighted, courteous, diplomatic Mr. Seward, is also a strong advocate of the Anti-Slavery side. It is too much to expect that the Anti-Slavery mountain should rise up on the floor of the Senate as perpendicular as LLOYD GARRISON. I am very glad if it begins to slope up, and if its slope, beginning with a Seward, a Sumner, a Chase,

and a Hale, in ten years shall reach the Garrisonian perpendicular height (loud cheers). In unity of spirit there must always be the greatest diversity of manifestations; and I was rather sorry to read in the *Herald* that my friend Mr. Pillsbury had spoken severely of Mr. Sumner's speech; I think nothing was said against the others. Though it may seem just from Mr. Pillsbury's point of view, I do not think it *is* just from Mr. Sumner's point of view.

But let me say, while the Anti-Slavery party has been severe in its criticism, and sharp in its denunciations, there is no body of men in this country, nor in any other country, that I know of, that is so earnest, and so hearty, and so ready in its praise for any great and noble sentiment, come whence it may, and be uttered where it will (loud cheers). In its criticism, it knows no odds betwixt friend and foe. Trojan and Tyrean are treated without any partiality; and in the bestowment of its praises it is as universal as the light of the sun. No chance good utterance ever falls from the mouth of a speaker in the Massachusetts Legislature, or the American Congress, or the most pro-slavery pulpit, but is sure to be warmly welcomed and proudly honoured in the *Liberator*, the *Standard*, and the *Era*, and on every Anti-Slavery platform; and that is what I cannot say of any other platform, political or theological (cheers). But these Anti-Slavery men, they do not scent heresy; they welcome a good thing, come whence it may (renewed applause).

Looking at these things, looking at the men we have yet in the National Legislature—looking at the men we have left in the churches—looking at what remains of the press, and the noble journals working so manfully in defence of the right—looking at this Anti-Slavery party, father to the Free Soil party—I think there are some very cheering signs in these times of ours. Indeed, I think there has never been a time which, on the whole, was more propitious than the present. We have very great evils to overcome here in New England; but we have overcome greater evils than these. We complain that the Free Soil members of the Senate have been shut out from every Committee of that body, because they did not belong to a 'healthy' organization; but what did the Legislature of Massachusetts do once, when it had members that did not belong to an unhealthy organization? In 1637, the Massachusetts Legislature passed this decree—I copied it to-day from the records in the State House:

'Mr. William Aspinwall being questioned in regard his hand was to a petition or remonstrance and he justified the same maintaining it to be lawful, the Court did discharge him from being a member thereof. Mr. John Cogg shall affirming that Mr. Wheelwright is innocent and that he was persecuted for the Truth was in like sort dismissed from being a member of the Court and order was given for two more deputies to be chosen by the town of Boston.
'2d 9th Mo. 1637.'

The General Court was persecuting Mr. Wheelwright, a clergyman, for heresy; the two Boston delegates interfered—Boston was not a Hunker town till after the Revolution; one of them signed a remonstrance against the persecution, and the other said he was right in doing so; and the great and General Court ordered them to go home! They did not belong to a 'healthy organization,' and they were kicked out of the State House. That was in the town of Boston! What was the proscription of Free Soilers in Congress in comparison with that? What if the Liquor party in the House of Representatives should think the Boston delegation not sound on the Rum question, and expel them for temperance, and order Boston to make a new election—what should we say to that?

Then, again, we complain of the Fugitive Slave Law. Let me read the Fugitive Slave Law of Massachusetts not many years ago:

'It is ordered, that whenever any servants shall run from their masters, or any other inhabitant, shall privily get away with suspicion of all intention, it shall be lawful for the next magistrate or the constable and two of the chief inhabitants where no magistrate, to press men and boats or pynnaces at the public charge to pursue such persons by sea or land, and bring them back by force of arms.' Sept. 2d, 1735.

The Fugitive Slave Law of the United States! Why, it is a '*habeas corpus* act' in comparison with that!

Do you suppose men complained of *such* law? See what befell such as wagged their tongues:

'It is ordered, that Phil. Ratcliffe shall be whipped, his ears cut off, fyned £40, and banished out of the limits of jurisdiction for uttering malicious and scandalous speeches against the Government and the Church of Salem.' Jan. 14th, 1635.

In 1632, there arrived at Charlestown a ship called the John and Sarah, and it was laden with—what? *two hundred and seventy white men*, that were to be sold into Slavery. They were 'consigned' to Mr. John Kimball and owned by Mr. John Bear and Robert Rich. These were men that had been taken captive by Oliver Cromwell, in the battle of Dunbar, 'delivered unto him,' as John Cotton said, 'by the hand of God.' They were sold out as slaves, for six, seven, eight or ten years; and some of the most distinguished families of Boston are descended from these 270 slaves. Those men who are now going to the Genealogical Registers and the Herald's Office to get coats of arms, may go back to the county records, dated 1652, and they will find that their fathers had arms enough, but no coats at all to cover them (laughter and cheers). We have got rid of that kind of Slavery, though there is enough of another kind—here in New England; and it will be as easy to get rid of black Slavery as it was to get rid of that wrong of white Slavery.

Just now, we have a great many allies coming to our help. There is the spirit of commerce, and every census shows us that Slavery is an instrument which does not pay. 'Poor Richard' the great New England Saint, said, 'He must be a rich man that can afford to work with poor tools' I heard a mechanic's boy once say, 'He must be a poor man that *will* work with poor tools,' and if a rich man begins with them, he soon becomes poor. Every census shows that Slavery works badly in Kentucky and Virginia, that freedom works well in Ohio and New York. By and by the spirit of commerce will be on our side. Every invention, every labour-saving contrivance helps break the yoke on the slave's neck. The man who first yoked oxen, *unyoked* men. Ericsson's caloric engine is a mighty instrument to *propel* Slavery out of the world. By and by, the spirit of commerce will be aroused, and men will be as glad to get rid of their tool that does not pay, as once they were to get it; and then the commercial spirit will be pro-freedom as it is now pro-slavery.

Then there is the spirit of the nations. At this day, we are constantly put to the blush. The British correspondence with Spain shames that of America, and the comments of the English press make us doubly ashamed. The voice of Germany, Hungary, Austria—all is putting America to the blush; and ere long we shall be so ashamed, that ourselves shall tread Slavery beneath our feet. *Richmond Examiners* and their Northern coadjutors cannot save it.

But my reliance for the extirpation of Slavery is not on the spirit of commerce, not on the spirit of politics, not on the voice of the nations the other side of the water. I recognise all these as allies, and powerful allies, too. They are the 'material aid' that we need, and we are getting it. But I rely on the Humanity which is in man, or the moral sense that is born in every body, and on that piety of spirit which looks gratefully up to God, and in every period of life desires to serve Him with mind and conscience, with heart and soul. The strength of the Anti-Slavery party lies in this—that in good report and in evil report, without fear and without favour, they have appealed to the humanity of men, to the justice of the natural conscience, to the affection of the natural heart, and to the piety of the natural soul of every man that is born of God. There lies our strength, and there is the hope of the Anti-Slavery party. The God of Battles is against us—the true God of Justice, Peace and Love, He is on our side. With their eye on the God of heaven and earth, with His 'higher law' in their hearts, they have looked at the State, and said, 'We defy you!' they have looked at the Church, and said, 'Come on with your thunders and your lightnings, and your seven last plagues—we defy you!' they have looked at the Spirit of Commerce, and said, 'We will trample your iniquity under our feet, for the God of Justice is on our side!' Ay, the God of Justice *is* on our side; and so sure as the sun brings light, and the night darkness, and man is man, and God is God, so sure is this enterprise to triumph (loud cheers).

☞ A late number of the *London Times* contains the following letter from Lord Shaftesbury, in answer to one purporting to be a reply of American Women, to the address issued from Stafford House. No American Woman, in this country, except Mrs. Tyler—who, though she assumes to speak for the South, is a native, and nearly all her life, a resident of New York—has signed her name to any reply to the address of the English Women. Several have been published anonymously, purporting to come from American Women, but which probably were written by some of the penny-a-liners—very likely Englishmen—who hang about the New York newspaper offices. It is one of these, probably, which has been copied into the *London Times:*

Sir: I have just read in your paper a letter purporting to be the reply of the American ladies to the address of the "Women of England," on the subject of Slavery in the United States.

You have inserted so many articles adverse to the address, that you will, I am sure, in a spirit of justice, insert these few remarks in explanation of the measure.

If the letter were really the production of American ladies, I should certainly regard it with much respect and deference; but its own internal evidence shows clearly that no woman has had any share whatever in the spirit and composition of such a document.

Its whole value, in truth, is derived from the fact that it made its first appearance in your columns.

Now, were the assertions of the paper as true as they are the reverse, it would be altogether beside the question. We have abolished Slavery through the length and breadth of Her Majesty's dominions, and we call on our American brethren to do the same in their own territories. They reply to us (if this, at least, be a real document), by accusations and revilings on subjects totally distinct from the matter in hand.

But the writer is not more happy in his facts than in his reasoning. I shall speak of those alone which come under my own knowledge. I will admit, for the sake of argument, and that only, that had he composed his paper some 20 years ago, there might have been [illegible] an approximation to accuracy; such, however, is far from the case now.

"One person," says he, "out of every eight is a pauper." I believe, on the contrary, that the working people of England were never in a more thriving condition, and that it requires but a few more improvements to place them on a footing nearly equal to the physical condition of those in the United States.

He charges us with defective supplies for the education of our people. Let him perambulate the country and the towns, and observe everywhere the rapid multiplication of schools and churches. We may be behindhand, but we are labouring to overtake the mischief. It was the present Archbishop of Canterbury who stated, in his charge, that during the time he was Bishop of Chester there were more churches built in that vast diocese than in the whole of England from the beginning of the century.

"London," he proceeds, "contains 33,000 needle-women, who earn, on an average, 4 1-2d, a day by working fourteen hours." An offer was made, through myself, a short time ago, to provide lodging and 6s. a week for 200 or 300 female hands required in the north of England. This proposition was laid before this formerly suffering class, but rejected, because their actual condition was so much better in London.

He speaks of the factory classes with commisseration. He would do well to visit the great hives of industry in Lancashire and Yorkshire. He would there see a prosperous, active, and contented population; work is abundant, and wages good; the best feeling exists between the employer and the employed, while a large proportion of them, both children and adults, have entered on a course of personal and social improvement. The great factory bazaar at Bolton will fully justify this assertion.

"A very large proportion," he continues, "of your agricultural population live in filthy and crowded cottages," &c. This, I regret to say, is still true, both in town and country, But have no efforts been made—are none being made—to abate the evil? To quote but one instance—did not the Duke of Bedford lately erect 400 cottages, I believe in a single year? I can answer, from personal inspection, for their excellence. Are not many other landowners, in all parts of the kindom engaged at present in the same course? The reduction of the duty on bricks has greatly facilitated such operations.

We see a corresponding effort for the towns, in the formation of societies to "improve the dwellings of the poor," in model-lodging houses, in baths and wash-houses; in the larger diffusion of means for cleanliness, decency and comfort. Your own columns have recently contained an article on the effects of the "Common Lodging-house act," showing that under the excellent administration of Captain Hay, of the police, the resorts of the most vagrant and degraded of the poorer classes will at last be purified.

Again, about 130 towns have been brought under the operation of the Health act, and many more are waiting for admission; nor do I hesitate to assert, from long and anxious experience, that, whenever we shall have applied to our courts and alleys the sanitary amendments for which we have so long contended, we shall have gone far towards rendering our people one of the most thriving, healthy and happy on the face of the earth.

"There are 30,000 costermongers," he adds, "of these only one-tenth—at the outside, one-tenth, of the couples living together and carrying on their costermongering trade, are married" It may be so, and, if so, we deeply regret it. But their state is, at least, the result of choice; it is not the result of the power of the owner over the slave, nor the condition of things necessary to the rights of property and the accomplishment of the commercial policy of the "breeding farms."

I might recriminate, if I pleased, and exhibit many deformities that have come to my knowledge in Boston, New York, and other towns of America; but we have far different objects; we have a real regard and kindness for our brethren in the United States, and we heartily and respectfully entreat their co-operation.

The long and the short of the case is this: We have had, and we still have, in England many evils, but we are now doing our best to remove them. They have had, and they still have, in America a great evil, which they not only will not endeavour to remove, but they make it daily worse (witness their Fugitive Slave Law), reviling, moreover, and persecuting every one who ventures to jog their memories on things of vital importance to the temporal and eternal interests of the human race.

I am, sir, your very obedient servant.
SHAFTESBURY.

Genoa, Jan. 20, 1853.

ADDRESS TO MRS. STOWE.

THE Belfast (Ireland) Anti-Slavery Society have published an excellent Address to Mrs. Stowe in the *Northern Whig* of that city, a copy of which has been sent us. We give it a place in our columns with great pleasure.

TO MRS. HARRIET BEECHER STOWE.

MADAM—We, the Committee of the Anti-Slavery Society of Belfast, in the North of Ireland, desire to testify to you our high appreciation of your labours in the cause of outraged humanity. No words, however, at our command can adequately express our admiration of the author of "Uncle Tom's Cabin"—an admiration which we share in common with all in these lands, without distinction of sect or party. Your work is known and esteemed in the Palace of our beloved Sovereign, who is not more illustrious by the Throne which she occupies as the daughter of a race of Kings than by the virtues which adorn her character; and it is also the companion of the peasant in his mud-walled cottage. Inheriting a name peculiarly honoured, it is your distinguished happiness to hand it down to posterity more honoured still.

We greatly rejoice that, in the good Providence of Him who has "made of one blood all the nations of the earth," one so peculiarly qualified to plead for the slave has received strength and courage to come forward and to pour into the ear of the civilized world the groans of more than three millions of human beings denuded of their dearest rights, and helplessly exposed to the worst passions of men whom American law has invested with a power dangerous alike to themselves and to their victims. We understand, to some extent, the discouragement in your way, and, therefore, honoured all the more the deep-toned and lofty principle which has enabled you to brave the hostility not only of the Southern slave-owner, but of those Ministers of religion who would force the Word of God, which proclaims "liberty to the captive," to sanction a man's holding his fellow-men in bondage. Permit us, in the discharge of what we believe a solemn duty, to declare through you the pain it gives to Christians on this side the Atlantic to find that men distinguished as scholars, and by the place which they hold in the Church of God, who might have been supposed to have drunk deeply into the spirit of the Saviour's loving kindness, should lend their high influence to perpetuate and extend a system of such flagrant injustice, one even rendering it penal for slaves to be taught to read the Word of God, thus so far as in their power blighting their prospects for eternity; and of those ecclesiastical bodies that recognise the man-stealer and his co-adjutors as brethren and Christians, we cannot but speak in terms of strong reprehension. We feel such conduct to be the betrayal of a most important trust—a defiling of the "Temple of God"—which, if they repent not, must issue in an awful retribution. Permit us, likewise, to express our cordial sympathy with those Churches of America that have protested against Slavery and resolved to admit no slaveholders to their communion. We have a pretty accurate knowledge of their real position and difficulties, and beg to tender them, through you, the assurance of our high esteem and warm approbation. The testimony which they have thus left against surrounding iniquity we consider as honourable to them, in their circumstances, as that which at the Diet of Spires immortalized so deservedly its promoters. They are "the blossing in the cluster," on account of which the Lord saith "Destroy it not." May they become the "leaven" which, though little, shall penetrate the entire mass, and bring back the possessors of the United States to a due sense of the "purity which becomes the House of God," and of the imperitive obligation to "do justly and love mercy," in order to be approved as the followers of the Lamb; nor can we help avowing our deep conviction that had the other Transatlantic Churches followed the example thus nobly set them, Slavery would long ere now have ceased to be the peculiar blot upon Christianity in America. We cannot trust ourselves upon that masterpiece of iniquity, the deservedly infamous "*Fugitive Slave Law*" But we rejoice that there are individuals in the United States (in the first rank of whom stands illustrious your brother, Henry Ward Beecher), who believe that might is not necessarily right, and who, when the stranger, shivering with cold and weak with want and toil, knocks at the door, will fearlessly "take him in," at the command of one to whom both Congress and its servants must yet give an account. Noble-minded men and women, of whatever class or name, accept our Christian salutation. We love you "for the truth's sake which dwelleth in you," and attests itself in corresponding works.—Your holy fortitude in these lands is the theme of universal commendation. The peril in which you obey God rather than men we know to be great, nevertheless be of good comfort, "the end draweth nigh." Though at risk of reputation, of property, and even of life itself, when you hear the bay of the bloodhound, so characteristic of Slavery, and observe the approach of men equally bloody and brutal, remember what you owe to the God of mercy, and shut not your heart against the cry of the desolate. We would remark in conclusion, that we rejoice in you as a fellow-labourer in the vindication of human rights. We are thankful that the iniquity of a system, the consummation of Satan's hatred of man, is at last urged home on the understanding and the conscience in a manner already so much acknowledged, and in consequence of which, we trust that at no distant day the oppressed in America will be permitted to go free. Be of good courage, then, in this work to which our Lord has so evidently called you; we hope that henceforth you will regard it as specially your work. Those who sympathize with you in this "labour of [illegible] so distanced by the admirable performance which has obtained for you a world-wide celebrity, that while they must still follow, though with unequal steps, cheering and aiding you as they can, it is to you they look as, in the Divine Providence, their leader in the assault on this atrocious system. Oh that the soul-harrowing scenes so true to life, which you have depicted, may soon effectuate the removal from your otherwise great country of a crime so horrible, and on account of which alone the burning blush of shame becomes so familiar to the American when in other lands. Of the final issue of the struggle in which you are engaged there cannot be a doubt. He who liberated Israel from bondage will yet liberate the African. May "the years of his redeemed," in this respect, not be coupled with "a day of vengeance," such as the destruction of the Egyptians in the Red Sea. Before it be too late, may your warning voice reach the conscience of those who, by trampling on the golden rule in all its most important applications, are doing their utmost to bring down upon their fine country the avenging arm of Him who "looks from the height of his sanctuary to hear the groaning of the prisoner, and to loose those that are appointed unto death in the advocacy of the great cause of human freedom."

We are, Madam, yours faithfully, Robert Workman, President; James Standfield and F. A. Calder, Hon. Secretaries; Wm. M. O'Hanlon, Congregational Minister; William Eccles, Baptist Minister; James Matier, John M'Vicker, James Rose, James Fraser, William Emerson, Wm. Miller, John Neill, George Pim, J. B. Ferguson, John Arnold.

MRS. STOWE'S VISIT TO ENGLAND.—The following letter to Dr. Wardlow was read at the recent Annual Meeting of the Glasgow Female New Association for the Abolition of Slavery:

DEAR SIR: I was most deeply and gratefully touched by your kind letter, and by its certainly very unexpected contents. That Christian hearts in good old Scotland should turn towards me so warmly seems to me like a dream; yet it is no less a most pleasant one. For myself, I can claim no merit in that work which has been the cause of this. It was an instinctive, irresistible outburst, and had no more merit in it than a mother's wailing for her first born. The success of the work, so strange, so utterly unexpected, only astonishes me. I can only say that this bubble of my mind has risen on the mighty stream of *divine purpose*, and even a bubble can go far on such a tide. I am much of my time pressed down with a heavy sadness, "for the hurt of the daughter of my people," it is so horrible so sad—such a dishonour to Christ and his cause.

But again, when I see that a spirit above me is issuing this feeble work book—choosing the weak things of this world to confound the mighty—then I have hope. Why has he given it this success, unless he means some mercy to the cause? Please to say to those Christian friends who have sent me the invitation in your letter, that I gladly accept it—though, when I get there, I fear that they may be disappointed. I never was much to see, and now I am in feeble health—worn and weary. I am now putting through the press another work, "A Key to Uncle Tom's Cabin," containing all the facts and documents which confirm the story; truth darker and sadder, and more painful to write than the fiction was. I shall call heaven and earth to witness to the deeds which have been done here! Alas! that I should do it. Should God spare my life till April, I trust to mingle prayers and Christian affections with the Christians of Scotland. Yours in the Gospel of Jesus,
H. B. STOWE.

☞ A CORRESPONDENT travelling at the South, speaking, in a recent letter, of "Uncle Tom's Cabin," says:

"The Editor of the *London Times* talks about exaggeration in this invaluable work. Such a statement is pro-slavery, to say the least of it. The horror of Southern Slavery cannot be exaggerated; no language yet known can describe it in its true light. Why, sir, at the present time, this very day, the seventeenth day of January, in the year of our blessed Lord One Thousand Eight Hundred and Fifty-Three, there resides near Warrenton, in Georgia, a Friend by the name of ——, who is now on bail for the murder of his fourth slave (*his own chattels*), by ill-treatment. This last victim for which he is now bailed, was a young woman, whom he whipped to death. The previous one was a man whom he burnt to death, literally roasted him alive, having tied him to a tree. Yet this wretch has gone unpunished, and even now will possibly be tried by a jury of Slaveholders, and probably be let off with a small fine; yet the Editor of the *London Times* talks about exaggeration! But, Mr. Editor, let me say to these Slaveholders beware!"

'——A chiel's amang ye taken notes,
An' faith he'll prent 'em.'

Domestic Correspondence.

FROM OUR BOSTON CORRESPONDENT.

NO. CXIX.

THE ARGUMENT.—*The Correspondent discourseth of the Weather—He praiseth it, with a difference. His fears for Mint Juleps and Sherry Cobblers—He comforteth his readers—He adviseth Peeping Tom—He giveth a parenthetical history of the same—He etymologizeth—He biographizeth. He returneth to Ice—Col. Preston and the exports of South Carolina and Massachusetts—Rocks and Ice—Southern Political Economy—The Apollyon of South Carolina—The Ice Trade—Mr. Frederick Tudor and the Practical Men—His success—The Correspondent maketh a suggestion—Granite to Ice—Row in the general Court—Philosophy and Fisticuffs—The cause of the Row—The Whigs and the Convention—The Loaf and Fish Question—Whig Modesty—And Courage—The Correspondent lamenteth himself—What the Whigs tried to do—Indignation of Platform-swallowers—The Payment of the Devil—What the Minority did and how they did it—Legislative Medical Prescriptions—The Speaker—The Upshot—Higher Law Meeting in Boston—Called by Mr. Choate—In favour of what fugitives from labour—Shocking Blasphemies and Treasons—The Correspondent protesteth, obtesteth and conjureth—And, at last, succumbeth, &c. &c. &c.*

BOSTON, Feb. 21, 1853.

WE have just been having what we call in our New England vernacular "a Cold Snap." The weather this winter has been, in general, preternaturally warm—thereby offering a contrast to the last very creditable to itself. Indeed, we were afraid at one time that its warmth would be carried to an improper degree, and that we should be cut short of our Ice Crop, which, you know, is now one of the main staples of New England. We trembled for our Mint Juleps and Sherry Cobblers! However, our panic is at an end. Jack Frost has done his part sufficiently well to secure to us those main defences against the inclemency of the Summer. By the way, I recommend it to the Editor of the *Boston Courier* (I forget his sirname, but his Christian name is Thomas, shortened popularly into "Tom," and qualified by the participle "Peeping," either from his inquiring mind, or from the fact of his having been often *sent to Coventry*)—I say, I recommend it to him to quote this passage of my letter as indicative of my opinion of the Temperance character of the Abolitionists, as he did, ten days ago, my strictures on their harsh language in my last letter, as a deliberate expression of my opinion of their candour and temper. The one would be a perfect pendant to the other. It would, doubtless, seal the doom of the Maine Liquor Law. He is a native and resident of the ancient rotten borough of Hull, from whence all his commodities that have attracted any attention have been sent. They have rather "an ancient and fish-like smell" now, and hardly find favour even in Billingsgate. He has been throwing his harpoon at porpoises and dog-fish for so long, that people incline to think that he has "run the thing into the ground," as the Colonel (Low-Countries, I think it was) from Alabama said, whom the Whigs got to Ratify Gen. Scott in Faneuil Hall.

But to return to Ice, I remember when Col. Preston, of S. C., was here, some fifteen years ago, he was taken to see the Ice-Houses at Fresh Pond, and was initiated into the statistics of that trade. Of course, he went to Quincy, also, to see the Granite Quarries. On his return home, he made a Speech at some Railway Meeting, in which he contrasted the condition of South Carolina and of Massachusetts. The one with the finest climate, a soil adapted for raising the richest staples of the world, and every physical advantage for material wealth, and yet was so far outstripped by Massachusetts, with a climate half polar, with no soil at all (to speak of) and with "no exports except Rocks and Ice!" This difference he attributed to her investments in Railways! If South Carolina would only have Railways enough, she would beat Massachusetts hollow! Most resolutely resolving not to see (what he knew well enough, for the man was by no means a fool) that it was the investment of South Carolina in human flesh [illegible] straddled, like Apollyon, [illegible] the path of her prosperity. But it was a flash of genius that did devise that new trade in Frozen Water, which is annually coined into hundreds of thousand of dollars—actually turning nothing at all (for Ice is certainly as near nothing as well can be) into millions of money, and adding it to the wealth of the country. This public benefactor was Mr. Frederick Tudor, who first conceived the mad-cap scheme, as it was at first esteemed, of supplying the Tropics with Ice. I am not very far "declined in the vale of years," as the black man in the play says, yet I am old enough to remember the scoffs and jeers with which this project was received by "*practical men.*" A plan like that proposed by one of the Academy at Lagado for extracting Sunbeams from Cucumbers would have met with equal favour. But, like other inventors, Mr. Tudor proceeded in the teeth of scorn and opposition, first having to create his markets and then to furnish their supply, until he has added an innocent luxury to the stock of the world's pleasures. Unlike many other inventors, however, he has been rewarded by a large fortune, which he has conjured up from the waters of Fresh Pond. And what thirty years ago was regarded as the wild project of a moon-struck visionary is now acknowledged to have been a master-stroke of genius. As it undoubtedly was. And Massachusetts has done foolisher things than she would do should she erect a monument of granite to the man who discovered, and bestowed on her, her other staple of native wealth.

We have been having a very pretty *row* here among our Collective Wisdom, for the last two or three days. It was not unworthy of Washington, itself. To be sure, they did not absolutely come to fisticuffs, but it was as near an approach to that National, though primitive, method of settling quarrels as could be. As far as I could understand the matter, it stood about thus. You know the Coalition Legislature last year passed an Act for holding a Convention for the Revision of the Constitution, provided the People "were agreeable." Well, the People were agreeable and consented to the Convention by a large majority. Now the Whigs like the Constitution as it is. It suits their constitutions perfectly well, as well it may; since, under it, though in a minority almost every year, they have managed to have the pickings of what poor little loaves and fishes we have in Massachusetts (only five of the one and two of the other, and what are they among so many!) for almost every year until the two last, when the two divisions of the majority thought they might as well unite and help themselves. But inasmuch as the cohesive power of the National power is naturally greater than that of the State, in the proportion of Collectorships and Postmasterships, to memberships of the General Court, this cohesion fell asunder at the last Election, and the Whigs entered into their kingdom again. At first, they proposed repealing the Act, and thus telling their masters that though the People might be Sovereign, they, the Whigs, were Viceroys over them. But, unluckily, their pluck failed them, or we should have had excellent fun next Autumn. Indeed, before—for the Convention would have met, and perhaps a new Governor Dorr would have sprung out of this combustion. We should have had two Governors—and if one be good, surely two is better. But the Courage of the Whigs "oozed out at the palms of their hands," like Bob Acres's, and they concluded not to take the life of the beast. But, as the next best thing, they thought they would pare its claws and file down its teeth so that it could do as little mischief as possible.

For this purpose, among other things, they tried to repeal the Law for securing the Secrecy of the Ballot, and to do it before the March Meeting, when the members of the Convention were to be chosen, so that Capital might have its due and proper influence over votes. This they resolved to put through at the point of the Previous Question, so as to prevent all debate or any possibility of postponement till after the elections. Now it is well known that there is but one subject on which Free and Independent Americans (and especially Democratic ones) will bear being gagged. This one was not of the right complexion. It had not a taint of African blood in its veins. So who so indignant as those National Democrats who have swallowed the Baltimore Platform at one gulp—uprights, planks, joists, mortices and all! So there was, speaking after the manner of men, the Devil to pay! But, then, there was, fortunately, in this case, plenty of "*pitch hot,*" so they *tried* to pay him, at least. All that the minority, consisting of Free Soilers and Democrats, could do was to delay the taking of the question by making all sorts of motions and calling for the *yeas* and *nays* on them. This was carried on successfully for two days, and the poor Whigs sent weeping to their beds without having carried their point. Indeed, the scandalous do say that some of them were carried to their beds. For, being rather a feeble folk, it was found necessary to have a supply of distilled liquors in the Judiciary Committee Room, which were administered, strictly under the prescription of a physician, to those whose Constitutions needed such Amendment. But I don't swear to this—people *do* lie so. The Speaker was a man after the Whigs' own heart. He ruled any way, and every way in the funniest way. But you must get that out of the political papers. The minority, however, have carried their point, for the Whigs have given in and consent to have the debate, which they now have the comic assurance to say *they never meant to suppress!* It has been a very entertaining sight to see.

You will be shocked to hear that there has been a meeting held here for the promotion of the Higher Law! And, which is worst of all, Mr. Rufus Choate headed the Call for it! You must know that a couple of "fugitives from labour" recently arrived here, having escaped from Cayenne, a dependency of the French Empire, being there "held to service or labour under the laws thereof." Instead of being arrested and kept in custody until they could be surrendered to the person to whom "such labour or service might be due," a public meeting was held in the Melodeon, Mr. Choate heading the call and sundry other Whigs, with a sprinkling of Democrats and Free Soilers, tailing it, at which they were permitted to make inflammatory speeches, which were translated, I believe, by Mr. Velasco Sargent, who has lately retreated from the *Transcript*, no longer, alas! the organ of the great Sigma. I am credibly informed that at this Meeting the Supremacy of Human over Divine Law was denied, or at least, their absolute identity questioned. Nothing was said about the Duty of Obeying Law while it was Law. Not a single attempt to set Louis Napoleon, the acknowledged Legislature of France, above God! Shade of Stuart, was not this enough to recall thee from Beatitude to protest against such blasphemers! Sainted Sage of Marshfield, why did not your tomb open "his ponderous and *granite* jaws," and render thee up again to aim thy thunders at such traitors! And not a National Whig or Democrat, not a Slavecatching Doctor of Divinity, found to assert the absolute duty of Passive Obedience and Non-Resistance to Rulers! Is all our patriotism, all our piety, buried in the tombs of Webster and of Clay, of Stuart and of Rogers? Have we not a single patriot, not a single Saint to our backs? Are these *Mounseers* to be permitted to devour up all our dearest rights and blood-bought prerogatives as if they were so many frogs? Forbid it Justice! Forbid it Heaven! Why, we shall not be allowed to catch a *nigger* in our own streets, next!—D. Y.

CONSISTENCY.

DEAR EDITOR: I have risen from the perusal of the noble testimony for oppressed and outraged humanity proclaimed at 'The Annual Meeting of the Massachusetts Anti-Slavery Society,' with a deep sense of the importance of sustaining and confirming the truth by a consistent practice. Every labour of love, in this blessed service, shall indeed have its reward; but the incalculable woes of the victims of Slavery, and the ponderous guilt of the Nation, imperatively demand that, in the use of all lawful means, we should go on to perfection.

The most acute logic, the most charming eloquence, are no substitute for the high duty of showing our faith by our works. How ineffective is our advocacy, if nullified by our practice. "He that *doeth* righteousness, is righteous." How inconsistent is our condemnation of our [illegible] are sanctioning and sustaining it by a voluntary participation of its fruits!

Beloved brethren in the Cause of suffering Humanity, "Suffer the word of exhortation" to carry out your resolution, "No Union with Slaveholding." Abandon, as far as practicable, that purchase and use of its fruits which constitute its vital element. Can we load our storehouses and our tables with the acknowledged fruits of robbery, and consistently cry in the ears of a pro-slavery community, "*No Union* with Slaveholders?"

Brother Foss animated you with an excellent speech. Allow me to apply to some of my Abolition brethren the faithful reproof which he applied to the members of the Bible Society. He objected to "receiving contributions from slaveholders." It was "said that the price of the slave would make just as good a Bible as any other money." He then supposed the case of a Bible being printed with the blood and bound with the skin of a murdered slave, and asked, "Would you circulate it as the Word of God?" No! no! no! came *from the laity* in the meeting. But what are you doing now, brethren (he added)? "You are taking the very wages of unpaid toil, extorted under the lash from the bleeding bodies of men and women, and printing your Bibles with them; and what is the difference?"

Oh that he had been as faithful to his Abolition brethren, and asked *them*, "But what are *you* doing *now*, brethren?" "You are taking the very *immediate* fruits" of unpaid toil, extorted under the lash from the bleeding bodies of men and women, and feeding and clothing your own bodies with them; "and what is the difference?" Oh, Abolitionists! hear ye not the affecting appeal of millions in bonds? It may be *life* to you, but it is *death* unto us! Yours for the Slave,

PHILA., Feb. 16th, 1853. HENRY GREW.

Foreign Correspondence.

FROM OUR DUBLIN CORRESPONDENT.

DUBLIN, January 28, 1853.

MY DEAR GAY: I sent you, a few days ago, a crumpled copy of *Lloyd's Weekly Newspaper*, which I hope came to hand, for it contained a capital article from the pen of the editor, Douglass Jerrold (who was also the editor of 'Mrs. Caudle's Curtain Lectures'), on the recent reply of Mrs. America to Mrs. England. I suppose Mrs. America has not really written yet, but some wags in New York have taken up the cudgels in her name, and have sent a spiteful reply to the Stafford House Address, which Jerrold takes for his text and furnishes with a running commentary, in a style worthy of Mrs. Caudle herself. I hope you will put it in the *Standard* for the delectation of those amongst your readers—and I hope there are many such, for I generally find Anti-Slavery people pleasant folk—who like a good thing patly and racily said. Lord Shaftesbury has, I hear, taken this sham American address as if it was all gospel, and has come out with a reply. Amongst other things, he denies Mrs. America's statement as to the prodigious number of unemployed needle-women in London who are unable to keep body and soul together. He states that, so far from their being 30,000 such people in the great Babylon, when he set about finding 600 for whom he had procured an engagement at 6 shillings per week, in the north of England, sometime lately, he could not get anything like this number. I do not know whether you have taken the trouble to read all Carlyle's Latter-Day Pamphlets. Probably not, there is so much that is repulsive in those that must have come before you in your editorial capacity. However, in one of them, he states that in London when any really *good* sempstress-work was required, he found that the work-women could not be had unless they were very well paid. Wherever a prodigious number of human beings are collected in a great city, which presents every extreme of wealth and poverty, there will be no difficulty in finding all degrees of misery and degradation; but I do not believe in the huge numbers of these classes that some writers appal their readers with. If the number of thieves and swindlers, prostitutes and burglars that some of these people say are to be found in London, really existed there, it must be a difficult thing to find a virtuous female or an honest man in the Metropolis of England. Kay's Comparison of the Social Condition of the Labouring Classes in England and on the Continent has been triumphantly referred to by the representative of Mrs. America whom Douglass Jerrold takes in hand. I read that book, some years since, with deep interest, and was greatly impressed by its statements. The veracity and accuracy of the author I respect, but I hope and believe his inferences are not all such as we are obliged to accept. If we confine our study to the Newgate Calendar or the Police reports, if we prefer Plates of morbid Anatomy to all other specimens of the engraver's art, or delight in reading doctors' books with all their horrible revelations of physical suffering, we must not wonder if our ideas of life and its pleasures become terribly clouded, and if we come to the conclusion that the world is full of moral and natural misery, and nothing else. But this would be a foolish and a false conclusion. We know that in the sum of human existence, sin and suffering are the exception, and that in the employment of the social affections, of neighbourly intercourse, and of our faculties, bodily and intellectual, the balance is greatly in favour of the more agreeable sensations with which we are endowed. We know that England is a powerful, a wealthy, enlightened, free and prosperous nation, possessing the blessings of civil and religious liberty in a degree only equalled—if equalled on the whole—by the United States. We know that the British Islands are the only part of Europe where these blessings are enjoyed, that their present prosperity is greater now than it ever was at any former time, and that at no former period was the whole nation so united, their government so mild, considerate or popular, or their Sovereign so generally or so deservedly beloved and respected. Evils there are, and plenty of them. Every one here admits them freely, and none are more respected than those who labour earnestly and zealously for their removal. Nobody really thinks there would be any sense in the English people labouring for the reform of what is wrong at home, and sending hundreds of thousands of pounds abroad for the spread of the Bible and the conversion of the heathen, and yet remaining silent about American Slavery, which is a greater practical blasphemy to the name of Christ and his gospel than all the sins of all the Gentiles and all the scoffs of all the infidels that ever put pen to paper. It would have been as reasonable to expect that, during the Irish famine, our brethren in America should look on in unfeeling indifference, as that whilst such a moral plague as Slavery rages amongst you, we should pass over on the other side, saying that the evils that afflict you are no concern of ours.

But I have pursued this subject very much farther than I expected. The most interesting circumstance that we have had to stir our blood in Dublin of late has been neither the expected invasion of Louis Napoleon or his approaching marriage, but simply the death of a lady, who died suddenly, or was murdered, it is supposed, by her husband. I have more than once told you of the beautiful views to be had in the vicinity of Dublin of the Hill of Howth, which forms the north side of our Bay. This hill is a peninsula, and about a mile from it is a little island called Ireland's Eye; probably the *oe* or *island* of the ancient Danes or Northmen, still retained in the names of the Shetlands and the isles on the coast of Norway. The Eye is a picturesque spot, of a triangular form, and surrounded on two sides by steep cliffs, in some parts 300 feet high. It is uninhabited, but is a good deal resorted to in summer by pic nic parties, who stray among the fern, visit the doe that are kept there, or climb the rocks and enjoy the beautiful views they afford. On the 6th of last September, a Mr. William Burke Kirwan and his wife visited the island. He was an artist of some note, who owned a comfortable property, accumulated chiefly by his own exertions, and he lived in one of our aristocratic streets, the same in which the great Duke of Wellington was born. This couple arrived at the island about noon, for the purpose of spending the day, and stated their intention of remaining till 8 in the [illegible] before that hour, the [illegible] came for them. A little [illegible] Kirwan on the shore, and saying, in reply to an enquiry of the boatmen for his wife, that she had gone to bathe and had not yet come back—that he had been looking for her, and had not found her. After more than an hour's search by the boatmen, aided by Mr. Kirwan, she was at length found lying quite dead, in a rocky inlet, clad only in her bathing dress and with bathing boots on her feet. The body was brought over to Howth, where an inquest was held next day, and a verdict of "Accidental Death" was returned by an intelligent jury after several hours' examination. It was believed by them that she was drowned while bathing, and the medical student who was examined on the inquest was of the same opinion. In a month after, Mr. Kirwan was arrested on the charge of having murdered his wife. In two months more, he was brought to trial, and, at the close of the second day, he was found guilty of the murder, on circumstantial evidence—the most damning part of which was adduced by persons who had been fully examined on the coroner's inquest, and who evinced a brutal disposition against the prisoner on the former occasion that they had not displayed before. Mr. Kirwan had not been a faithful husband; he had lived with another woman, by whom he had a large family, and this weighed heavily against him in the public mind. He had not been known as a cruel husband, but it was supposed he was desirous to get rid of his wife in order to free himself from an irksome incumbrance. I have never known the community here so disturbed as they have been by this real or supposed murder. The feeling against the convict is of the most intense kind; and, although the Government, from a sense of the insufficiency of the proof against him, have commuted the capital sentence into one of transportation for life, the expression of fierce hostility one hears from the wisest, the best and the fairest amongst us are enough to make us doubt whether civilization has done so much for us after all, and to justify an old opinion of mine, that when the feelings are deeply touched, the most polished community is only a set of disguised barbarians. No one knows that Kirwan murdered his wife. Many able physicians say she was not drowned—others, that she was not smothered—others, that the evidence on the inquest and the subsequent *post mortem* examination indicate no violence whatever. Then say some, he killed her with chloroform—of which they know nothing either. She may have been drowned; she may have died of a fit, to which malady her father was subject, and of which he died. At any rate, when the crowd go together, you need wonder at no state of mind they exhibit nor at anything they say. Anger, prejudice and foregone conclusions master the strongest heads and the soundest brains. Put not your trust in princes, says the old Hebrew prophet. Pin not your faith on your belief in anybody's absolute wisdom, say I. This man may be as innocent of his wife's death as you or I. The English papers have taken up the case warmly, as one where insufficient evidence has deprived a man of liberty, property and whatever he had of reputation. Here it is made a matter of party and prejudice, and the result most probably will be that the wretched man will live and die a convicted felon.

Yours ever, RICHARD D. WEBB.

ANTI-SLAVERY CONVENTION

IN CINCINNATI, OHIO,

TO BE HELD ON

TUESDAY, WEDNESDAY AND THURSDAY,

The 19th, 20th and 21st of April, 1853.

To the Friends of Universal Liberty, we again send forth our earnest call to come together in Convention.

FREEDOM is an inestimable blessing, Slavery an unspeakable evil; all history bears record to the struggles of the wise, the good and the great in behalf of Freedom. The noblest of men, and the greatest of the nations, have always valued it above all price. In our day it certainly ought to be no less precious. And Slavery being the very opposite of Freedom, is its deadliest foe.

Can we then, fellow-citizens, be engaged in a better work than that of assembling in a zealous and Christian spirit, to consult how most effectually the Abolition of Slavery may be brought about?

The slaveholders and their numerous allies have become the ruling power in this nation; this Slave Power controls the two great political parties, makes Presidents, governs official appointments, directs legislation, and what is worse than all, corrupts the sources of Religion and Morals, making our Christianity a pretence, and our Republicanism a sham: It desires above all things to be let alone, quietly to perpetrate its abominations, and determines to stop agitation.

Humanity, duty, and interest, on the other hand, call aloud on the friends of Freedom to agitate without ceasing, and to maintain an active and unflinching opposition to the Power of Slavery.

Fully persuaded of the righteousness of the Cause, and confiding in the blessing of Almighty God, we invite *all*, without reference to sect or party, sex or colour (so they be agreed in one thing, an honest hatred of Slavery), to come together to counsel, to encourage, and to plan for renewed and increasing efforts; to unite in sending forth a voice from the Metropolis of the Great West, declaratory of the growing hatred of the people to this cruel iniquity.

That veteran champion of Human Rights, WM. LLOYD GARRISON, of Boston, intends to take part in the Convention—so also does Miss SALLIE HOLLEY, of Massachusetts; and many other distinguished speakers will be especially invited, and are expected to attend.

CHRISTIAN DONALDSON,
SARAH OTIS ERNST,
WM. HENRY BRISBANE,
ELIZABETH T COLEMAN,
JULIA HARWOOD,
ANDREW H. ERNST,
MARY M. GUILD,
MARY W. MANN,
JOHN JOLIFFE,
AMANDA E. LEWIS,
EDWARD HARWOOD,
NATHAN M. GUILD,

Board of Managers of the Ladies' Anti-Slavery Circle of Cincinnati.

N. B. We respectfully request the Editors of newspapers to insert the above Call.

☞ THIRTY DOLLARS has been placed in the hands of the Directors to be offered as a Premium for THE BEST ANTI-SLAVERY TRACT, which shall be written for publication by the Am. Reform Tract and Book Society. Manuscripts should be directed to Rev. C. B. Boynton, Cor. Sec., Cincinnati, O.; and must be sent before the 1st day of March next. None thus sent, excepting the one receiving the premium, will be published without a previous arrangement with the author.

The Liberty Bell for 1853.

FOR SALE AT THIS OFFICE. Price: gilt, $1,25; plain, 75 cents.

THE JERRY RESCUE TRIALS.

[Continued from Second Page.]

Q.—Does it not amount to a partial insanity on the subject?

Court—That will not do.

Mark Brooks—Reside in the town of Dewitt, Onondaga co.; have resided in the town twenty years; for some years have been constable; was at the Police office; know Mr. Salmon by sight; have said "how do you do" to him once or twice; first saw him on the night of the Jerry Rescue; saw him near the south end of the bridge; some time before they broke in; ten or twenty minutes; saw the plank with which they broke in the door; Salmon was one who had hold of it; the crowd crowded me back; Salmon brushed by the side of me when the plank was going up; in a short time they broke in.

Cross-examined—I stood between the corner of the bridge and the end of the platform—a little south of the corner of the bridge and a little west of the south line; the steps do not come down to the corner of the bridge; it may be from 10 to 15 feet; I may have been 5 feet south of the bridge, and in my best judgment 3 feet from the steps; there was a crowd forward, but not many back of me; the steps and the platform were full; it was not very dark; Stephen Vanderbelt stood not far from me, I think south, not over an arm's length; Asa Ackly stood back, towards the road may be five feet or less; I stood with my face towards the south—my right hand towards the building; I was looking and hearing; the plank seemed to come from the road, and went in front of me; think the plank may have been five or six feet from the corner of the bridge when I first saw it; cannot tell how many were hold of it, nor who was ahead; he was about the centre of the plank, on the north side; could not say positively as he had hold of the plank—could not see; it passed by in front of me—may be a foot or more; the crowd crowded me back, it may be 2 or 3 feet, or four feet; the plank was 12 or 14 feet long; nobody between me and the plank only the men who had hold of it; I should think there were 10 or 15 minutes before the plank began to work; I went to see the suit about the slave; the first I heard of it was on the foreground; that a man was taken as a slave; had no acquaintance with Mr. Salmon—had never before seen him to my knowledge before that night; after the plank passed me, I went to the south window; I am sure that it was Salmon by his complexion—by his build and looks; did not know his name when I saw him pass with the plank; first learned his name at Buffalo; I inquired, and don't know what the man's name was who told me—saw him and Mr. Salmon talk together; this was when the Grand Jury was in session; the Government officers sent for me to Mr. Lawrence's office; Mr. Allen sent by Stephen Vanderbilt that I was wanted; after this talk of Gen. Lawrence's officer; was not subpœnaed against Salmon—against Loguen; had seen Loguen before that night; as soon as I saw Loguen in Buffalo, I knew he was the man I saw hold of the plank; I recognised him by his complexion; I recognised him as a shrewd-looking fellow, and a mischievous look out of the eye; when he passed me with the plank, I was so near that they rubbed me; he stood partly sideways, and hollowed "Go ahead!" as he passed me, I noticed that he was a shrewd-looking man, and had a mischievous look; saw him in the face; when he went by I saw his whole person, although he rubbed me, and I noticed his build; the peculiarities of his build were, that he was a good built man; I noticed him from his body up; before this, I saw him near the corner of the bridge—may be 10 minutes; was with him may be two minutes; my boy came and made a complaint that Salmon pushed him against the railing of the bridge, and hurt his arm very bad; that is not the reason why I have taken so active a part in this prosecution; have no feeling on the subject; did not look to see if any one else hurt the boy; had not heard him speak before I saw him hold of the plank, so that I could distinguish his voice; some of the time I could distinguish a man 10 or 15 feet, sometimes not; did not say a word to anybody but Salmon till I got to Buffalo; before the Grand Jury, I was asked if I knew any man that I saw there.

Direct resumed—Recognised Vanderbilt and Asa Ackley.

Benjamin P. Kinney, called and sworn—Reside in Syracuse since 1840; was at the commissioner's office when Jerry escaped; saw a man clinch Allen; think it was Salmon; won't swear positive; had seen him during the examination to recognise him; he was standing near the north east corner of the room; don't know who was standing by me; did not recognise any one as standing near me; after the recess was proposed, Salmon moved that they do not go without the fugitive; saw Salmon clinch Allen five or six feet from the door; think the fugitive had got out; Allen was going towards the door.

Cross-examination—Was there about 15 minutes, very near the negro; I was south of the table; I was considered a looker on; they were talking about adjourning; had difficulty in getting up to the table; never saw Mr. Salmon before; think I heard Mr. May and Mr. Smith speak; do not know what Mr. Smith said; could not say whether the fugitive went round the west or the east side of the table; could not say whether he went under or over the table; was not much scared; can't tell where Allen was at the time Jerry started; I do not know as I saw him after he started till he got out of the room; I followed the crowd out; was in the rear of the crowd; could not tell whether the man who clinched Allen went out; can't tell whether I was behind or before him; it was but a moment that I gave a glance at him; I think I was behind him; might have been crowding him; cannot tell the man's clothes; I was two or three feet from him—did not clinch him to take him off; can't swear positively that it was Mr. Salmon.

District Attorney—I suppose the warrant is considered as in evidence.

The Court—It has been read.

The Prosecution rested.

THE DEFENCE.

Gen. Nye said several legal questions had arisen in the course of the trial, on which the Defence desire to be heard; and to do so properly, it would be necessary to consult authorities in the State Library; and that it would facilitate business to adjourn till morning, when they would be prepared. It was what they desired. He thought they could satisfy the Court that the counts, under the Act of 1790, were worthless.

The District Attorney opposed the request—said the case had been before the counsel for a year. He was in favour of going on with the facts of the case, and then move an arrest of judgment. Why take this unusual course?

Gen. Nye—It comes with all ill-grace from the District Attorney, that this course is unusual. It is not unusual. It is usual.

District Attorney—To adjourn Court?

Gen. Nye—To take proper time to prepare and present points.

The Court—What points? Any not yet decided? If so, it is proper to hear them.

Gen. Nye—We will show that the transfer of this property from Miller to McReynolds was not such as to give him title.

2. That title in Celia never was in Henry.

If either of these are valid, we have proceeded far enough with this case. It is entirely legitimate that these questions be argued here. We have authorities to present in reference to the indictment.

The Court—The questions in reference to the indictment had better be considered on a motion for arrest of judgment.

Gen. Nye—The question as to property is one for the jury; and we were not to know what defect there would be in their testimony.

The Court said the questions of title were not questions which would dispose of the case. Your question will be that there was no paper title.

Gen. Nye—A part of it. It often happens that a Court comes to different conclusions upon argument and reflection. The case has come up to-day, and we could not be prepared before. This is the course we desire; and we shall, of course, follow the direction of the Court.

The Court said it was better to go on to-night, and if it was necessary, in the progress of the cause to give time for the examination of the questions, it would do so.

Mr. Sedgwick said the District Attorney had very properly characterized the case as one of importance. That it was the first case in which the main question presented to this jury, has ever come before a jury in this State. The other cases did not bring it up. In that trial no proof was attempted of the question of Slavery of the man who was arrested. In contains two distinct classes of Courts. One alleging the Slavery of the man who was rescued, under the law of 1850; and the other, without any reference to Slavery, and which was passed in 1790. The District Attorney, in his opening, made a very strong case. It is proper for me to state to the jury some of the features of the occurrence. It appeared in testimony, that the city was crowded that day, with a State Convention and a Fair; and by those who were unused, and he hoped ever would be unused, to such peculiar excitements as this; that of witnessing the capture and chaining an alleged slave. It was a day of intense excitement; such as those there never otherwise experienced in their lives. It was not a day for cool observation. Things insignificant were magnified to the largest proportions. In the Court, not only those engaged talked, but others; the crowd did not seem to hear the Commissioner when he asked them to adjourn. Then at the Police office, there was an immense crowd; and it was dark so that one witness testifies that he could not recognise a man for ten feet. Marshal Allen and Commissioner Sabine, who had lived there for years, could not recognise any one. In this view, the District Attorney was too broad in his statement.

I am instructed that we shall be able to prove that Salmon did not interfere with Allen, and that Kinney is entirely mistaken in what he says. And as to what it is alleged Salmon said—there is reason to believe the witnesses are mistaken, and everything depends on the words used at the precise time. The Jury will have only, as to this part of the case, to decide as to whether Salmon clinched Allen.

I wish to call your attention to the point you are to decide; whether Salmon went there with a criminal intent, or when there, did that which was an offence, under excitement; this is not sufficient. The intent must be shown. Furthermore, Mr. Salmon went on his ordinary business, and was engaged on it a portion of the day. The gentleman referred to the testimony of Brooks. You are to be brought to the point, that it was the prisoner, beyond all reasonable doubt, before you find it against him. The rest of the testimony is in regard to his own admissions. It is testimony that should be taken with a great deal of allowance; and especially under the present circumstances of excitement, when the mind was almost thrown off its balance.

We shall show that the witness Payne and Salmon had a wood contract with Charles Leonard; they did the business at the office, and went to the Police office. Mr. Leonard remained with Mr. Salmon till after the plank went in; till after the pistols of Marshal Fitch were fired. We shall show by another witness that he went with him through the night—that they went to the Syracuse House, took an omnibus to Salina, and remained for the night. It is well settled that you are to be governed by facts clearly proved, and not by alleged confessions which, through the excitement of the speaker or the carelessness of the hearer, have been made inconsistent with the facts, and which could never have been made in consistency with truth.

Another part of the case is, that you are to decide whether Jerry was a slave, and whether, as such, he was the property of McReynolds. Perhaps you have all the case. Before 1810, the father of John McReynolds had on his farm, and claimed to own, a black woman named Celia. He died about 1809 or 1810; died with or without a will—it is not known which. If without a will, they belonged to the children. Then the widow married Henry. That did not give Henry the property. This is the way it was left last night. This morning, an auction was had, and Celia, with the hogs and horses, and Henry bid off the woman. Soon after Jerry was born—of a black mother, who had no husband—and he was a mulatto. It will be shown on good authority that a man cannot own his offspring; and if you should be of opinion that Henry was the father, it will influence your decision.

Then as to Missouri. The "Compromises" of the Constitution did not apply to Missouri while a territory. It was bought of France, in 1803; and in 1818, when Jerry went to Missouri, there was no law there that could hold a slave for an hour. It is a settled rule that Slavery cannot exist except by positive statute. There was no power in Missouri, prior to 1821, that could make a man a slave. There was no statute of Congress—Congress never pretended to any slave legislation. As to France—it had abolished it. Now, all this has all been settled by judicial decision. It was recently settled in this State, in the Lemmon case. By a recent case in Kentucky, where a slave went to Pennsylvania, and remained longer than the law allowed—and although she voluntarily went back to Kentucky, she was given her liberty by the courts of that State when she applied for it. The whole course of decisions are in this direction. Besides, Jerry passed through the free State of Illinois. The District Attorney said that Slavery was in a mild form in Missouri. Mild form of Slavery! When ministers of the Gospel are bought and sold on the auction block—when one's own blood is sold on the auction block—when fathers and mothers and children leave the auction block to travel returnless distances from each other! The counsel read from the slave statutes of Missouri, that there should be no meeting of coloured persons, of any sort, unless a Sheriff or Justice of the Peace, or other officer, was present. He then referred to the bills of sale, as fraudulent, so far as proof was concerned. No proof that a dollar had been paid. And then as to the escape. There is not one word of proof that Jerry escaped from Henry—that he did not go with assent—that he did not purchase his freedom. Gentlemen, will you believe that a man who will buy and sell Ministers of the Gospel—buy and sell church members—would not sell the chance for a man to catch another. William Henry is the only human being who ever lived who could furnish the requisite proof, and he has gone to his long account. The proof of identification is not good. Smith was at Syracuse under that excitement and identified the man he had come all the way to identify. And further, the statutes of Missouri give any Sheriff who shall recapture a fugitive $50 reward, and 10 cents a mile travel on his return.

The Defence then called

Rev. Samuel J. May—Was at the Commissioner's office; I got there a few minutes before the adjournment took place; I was nearly half way between the door and the Commissioner—the Commissioner had evidently come forward from where he had been, if his position has been properly described; it was with difficulty I got in; I saw Mr. Salmon; just as I got in, the Commissioner said, "we must have a larger room, and this court must be adjourned;" this was as I was pressing into the room; he repeated with a good deal of emphasis, "we must adjourn;" the room was crowded, and there was, evidently, a good deal of excitement there; I then looked round and saw the defendant standing on an iron safe, still farther from me than the Commissioner; he was much excited, and raised his hands and said, "I move we don't go—I move we stay and see it out;" I spoke to the Commissioner and said, "do you really wish a place where this examination can go on?" and he replied he did. I then asked him if I should speak to the people. He said he wished I would. I then got in a chair and said, "Fellow-citizens, it is obvious that this examination cannot go on here;" and then I mentioned the City Hall, and I believe I spoke of some other places; and then offered my church. Just at this time a rush was made to the door; all was confusion; there was a rush to the door; and the next I saw was he who I supposed was Jerry going out of the door. Did not see Mr. Salmon after that—this was nearly half-after two. Did not see Salmon after I made my remarks. Every part of the room was jammed full.

By the Court—I did not see any one take hold of Mr. Allen.

The Court adjourned till nine o'clock to-morrow (Wednesday) morning.

EIGHTH DAY—MORNING SESSION.

The Court met at 9 o'clock.

The Defence called

Robert D. Ellis—Reside in Volney, Oswego Co.; am a farmer; my business at Syracuse, on the 1st of October, 1851, was to attend the County Fair; was at Commissioner's office; I think I had been in the room 10 minutes when some gentleman cried out, "we will adjourn for half an hour;" the room was crowded full; it was with great difficulty that I got in; I think I made my way a little more than half way from the door to the window; the windows are in front, and the door in the rear; had seen Mr. Salmon once before; knew him well by sight; I should think he was about four feet from my right, standing on something by which he was head and shoulders taller than any other man in the room; I saw the rush when Jerry escaped; Jerry went past me on my left [a diagram of the Commissioner's office was shown witness—he pointed out his position to the jury]; when Jerry started, there was a general rush of nearly all the people, after; I stood, for I did not care about the matter; after Jerry got out of the room, Salmon stepped up to me, two or three steps; when Mr. Salmon left the place where he was standing, there were but few in the room—so we could walk freely about.

Cross-examined—Had never seen Salmon but once before; saw him at Phœnix, at a law suit; I was subpœnaed there; Phœnix is about four miles from where I live; Salmon was defendant; I was not introduced to him; spoke to him several times; was a witness against him; the way he and his lawyer managed that suit was peculiar, and I remember him; I think it was about half-past 2 when I got to the Commissioner's office; never was in that room before or since; I did hear Mr. Salmon speak before the rush; he did not advise the crowd to make any noise; I do not know what he said; do not know what Salmon stood on; don't remember seeing any one in the room except Salmon; might have seen 'Squire Phillips; I went there with him; could not say whether any other person was standing on the same thing Salmon was; did not see any one; when I came in I knew him, and he spoke; I observed him before he spoke; I was not over four feet from him, I think; he was in advance, and to my right, against the wall; cannot relate any remarks except those made by Salmon, and the man who said "we will adjourn for half an hour;" when I went out, the people in the room were not thicker than the people in this room [people sitting about]; when the crowd went out, I tried to maintain my position, as I was not of their way, and I think I did; when Jerry was going, my eye was pretty much on him, or on that part of the assembly; kept my eye in that direction till then; my back was pretty much toward where Salmon stood, when my eye was on Jerry; should think Jerry was out of the door before I saw Salmon again; when I next saw Salmon, the room was as this is; after Jerry was out of the room, Salmon came by my side; did not see him get down; when Salmon came up, I was standing with my back very nearly to the place where I last saw him; Jerry was fairly out, and may have been half-way down stairs before Salmon came up; I did not change my position till Jerry was out, and then I turned half-way round to the right; could not see what Salmon was doing when my back was towards Salmon; could not say whether, during that time, he took hold of Marshal Allen; then Salmon stepped to me, and moved towards the door, but I cannot say which went out first, and I did not see Mr. Salmon after I went out; did not see Salmon go out; should not think I had a view of Salmon more than a quarter of a minute after the rush; I do not know whether he went ahead or fell astern; I think he came to my right; my attention was turned towards Gerrit Smith and others, who had been engaged in the trial; saw a gentleman they called Gerrit Smith—he was at the table; was told by a stranger that it was Smith, I think before Salmon came up; I said "how do you do?" and he said "did you ever see such a ..."; did not pay attention to it, and could not say whether Salmon was very much excited or not; on going out, saw no one else I knew; I followed Jerry down stairs, and walked along to Syracuse street, and stopped.

Charles Leonard called and sworn—Reside in Syracuse; am a salt manufacturer and dealer; know Mr. Salmon; saw him on the 1st of October at the time of this rescue; saw him at my office; the witness Payne was with him at my office, at evening; Salmon was there after dinner, at noon, also; they were there on business; think they were there something over an hour in the evening; I went away from my office with them; my office is on Water street, below Warren; the same street that runs past the Police office, but further east; on the south side of the canal; on the canal, squares east of the Police office; situated about the same as the Police office to the canal; we went to the Police office, or near there; went up near the bridge, in front of the Police office; think some one was making a speech, for a very few minutes, after I got there; we went to the south-west corner of the bridge; were four or five feet from steps; staid but a few minutes, and backed off to the other corner, on the east side of the bridge; to the other walk; to the south end of the east side of the bridge; we staid there till the pistols were fired; I saw the doors or windows smashed in; did not see how it was done; there was a crowd between me and the doors; saw the crowd rush in; heard the pistols fired; Salmon stood by the side of me all this while, and when the pistols were fired, I went down into the road more; south, towards Water street; Water street is the first street south, running parallel with the canal; when they were breaking in the windows, Salmon was by the side of me; when I moved down towards Water street, I did not see Salmon; I lost sight of him; saw the rush and saw them pass out of the Police office, and off.

Cross-examined—Went to the Police office with Salmon and Payne; when we backed from the south-west corner to the south-east corner, I heard the glass rattle, and stepped back; think I stepped back when I first heard the glass rattle, or soon afterwards; do not mean instantly; Mr. Salmon and I stepped back to get out of the crowd and rush; when we three were together, I do not recollect exactly how we stood; don't recollect as I heard Salmon say anything to the crowd when we were at the south-west corner; Salmon might said to the crowd, "Go ahead, boys; Oswego is here," &c.; and I not have noticed it; my eyes and ears were pretty well occupied; Salmon was within a foot or two of me, as we were on the corner; the crowd were jostling us; did not see Payne after we crossed the road and reached the walk; there was not so much of a crowd on the east walk; something of a crowd; did not there hear Salmon say anything to the crowd; we talked together; Salmon was somewhat excited; he showed it by his appearance and actions; by his talk; did not hear him say anything to anybody else; cannot remember anything he said; the subject was the Jerry matter; we were at the south-west corner perhaps five minutes; on the south-east perhaps twenty minutes; am sure Salmon was not away from me a minute; am sure of that; we were in conversation; there might have been an interruption of one minute or two in our conversation; Salmon did not move with me from the south-east corner, that I know of; don't know exactly which left the corner first; don't remember; heard two or three pistols fired that night; I was standing in the middle of Water street when they brought Jerry out; where Clinton street crosses it; had been there perhaps five or ten minutes after I left the south-east corner of the bridge before they brought Jerry out; heard two pistols certain before I left the south-east corner of the bridge; heard all that were fired; can swear that Salmon had not been gone from the south-east corner five minutes before I left; saw him, that is all the way I know; had no object in keeping watch of Salmon; did not see a plank used; did not see anybody strike the window with clubs; was not near enough to see; heard the glass rattle before I left the south-east corner; saw no plank carried by; I was interested in the matter, the same as others; have no feeling to get Mr. Salmon clear; no reason to have any.

Question—Don't you think that what was done there, that night, was right?

Objected to, and overruled.

Q.—Did you tell Gen. Lawrence, next morning, that you approved of what had been done?

Objected to, and overruled.

Liberty Arnold, called and sworn—Reside in Granby, Oswego county; know Mr. Salmon; know Charles Leonard, the last witness; was at Syracuse the night of 1st Oct., when this rescue took place; I was at the Police office, when the rush was out of the Police office, and it was supposed Jerry went out; I had a boat load of wood, and the boat lay near the Salina street bridge on the Oswego canal; I passed up Salina street to the Empire Block, then I turned the corner towards the Police office, on the north side of the canal; I went as far as the bridge by the Police office; I saw Mr. Salmon and Mr. Leonard on the south end of the bridge; I shook hands with both and spoke to both; glass was rattling; pistols fired inside, while I stood there; in two or five minutes after I spoke to them, I missed Mr. Leonard; don't recollect the time; when I shook hands with Mr. Salmon, I took him by the arm; I stood there with Salmon at the south end of the bridge until the rush was made that came out of the Police office; we followed the crowd, down Water street on the south side of the canal to the Syracuse House; I think we kept on east towards the Post office; we went nearly to the next corner; nearly to Warren street; we then went back to the Police office; went to near the end of the bridge, where we started from; went to see if we could find Mr. Payne; did not find him; went back to the Syracuse House; waited for a few moments for an omnibus, took passage, and went to Mr. Scotts hotel in the First Ward, and stayed there all night; when we got to the Syracuse House, we could not tell which street Jerry went; did not see any wagon on the way down towards Warren street.

Cross-examined—I went with Salmon to Scott's—about 10 or 11 o'clock; did not sleep in the room with him, I stayed there all night; sat up probably an hour, in the bar-room; heard Salmon tell, not what he done, but tell Mr. Scott what was done; do not recollect that he said that the crowd faltered, and he told them "go ahead," &c.; was there most of the time—might have stepped out a minute or two—do not remember that I should have heard if he had said anything of the kind; think I heard Salmon tell the story as to how they rescued Jerry, in the bar-room; don't think I heard the substance of the statement, that they "faltered with the plank," &c. [the "go ahead" testimony]; I think I did not hear him say he said to the crowd "go ahead, boys, Oswego county is here;" think I should have remembered it, if I had heard it; am not a connection, in any way, of Mr. Salmon's; live three miles from him; am a farmer; own a farm; lived in the neighbourhood five years; have known Mr. Salmon over five years; I bought cattle of him, more than five years ago; I lived then at Cortlandville; got acquainted with Leonard three or four years ago, by dealing in wood with him; I shook hands with Leonard; think Salmon and Leonard had their arms locked when I came up, and I locked mine with Salmon, and we stood so; may be one minute or five; can't tell why we separated; think Leonard went away from us; Salmon and I did not leave the spot till the rush was made from the Police office; did not go to see either; came across them by accident, entirely; I went there to see the sight; had not been there before; had just arrived in town; not very light; think the moon did not shine; saw Syracuseans, whom I knew by sight; John Thomas and others; spoke to some strangers, but not to any others I knew; spoke to strangers while I and Salmon were standing there together; we stood there from five to ten minutes, and probably longer, it is impossible to tell the length of time; did not change the position to speak of; had hold of his arm all the while; there was a good deal of a crowd all about there; I did not see anything done; heard the glass rattle; looked up to see if I could see stones fly, but think I did not; did not see a plank that evening; I got there before the doors were burst open; heard the noise and the crash; could not see them; had not been there but a few minutes—five or ten; had no curiosity to go any nearer; thought we could see just as well a little further back; heard two pistols fire, when on the bridge, on the south end of the bridge; I was in the same position when the doors went in—we did not change our position; can't tell for my life whether we were on the end of the bridge or at the end of it; it was after I shook hands with Leonard, that I heard the pistols—about the same time; think the crash of the doors was before the pistols; all the difference there was, was very small to distinguish; the report of the pistols was from five to ten minutes before Jerry was brought out, or the rush came out—it may not have been so long; don't recollect that I saw Leonard on the east walk of Clinton street; don't know the street [witness was told]; then I saw Leonard there, on the east end of the bridge; should think we were about on a straight line with the north end of the police office, when I shook hands with Leonard; the crowd went on ahead of us, and we could not tell which way Jerry went from the Syracuse House; went down to Warren street; back to find Payne; Payne is my brother-in-law; did not know that Payne was there, till Salmon told me; went to Scotts that night, in an omnibus; there was one man in the omnibus who I always called Thomas G. Alvord, and one I supposed his brother, and several ladies; the man I supposed was Alvord, got out on the hill; don't know that the omnibuses stop at 9 o'clock; would bet my life that we went down in an omnibus that night [laughter all over the house]; saw Scott there; Mr. Scott said Mr. Ball was there, but I do not remember seeing him; I believe I did not know Haskins at that time; was acquainted with Ball—did not see him that evening—saw him the next morning.

Mr. Sedgwick enquired for the witness Charles Leonard.

It was stated that he had left Court, to take the 11 o'clock train for Syracuse.

Mr. Sedgwick—I wanted to ask him a question; but if he has gone, we rest.

So the Defence rested.

The Court—Any further testimony for the Prosecution?

The District Attorney desired to ask Mr. Leonard some questions.

Mr. Sedgwick—So do we; but he is not here.

District Attorney—Then we will move to strike his testimony out of the case.

Gen. Nye stated that the witness, Leonard, had left without their knowledge or consent.

Mr. Leonard was sent for.

After waiting awhile.

Mr. Wheaton said they were through.

Mr. Sedgwick—We are through—though I would like to ask the witness, Leonard, a few questions.

Mr. Hillis summed up for the defence. He had never risen to address a jury of his country, on a question of so much importance. It was not the extent of punishment—it was the principles involved. Our government is like "a wheel within a wheel." There are two sets of laws. You, gentlemen will hear nothing from me, denying the force of any law of the State or Union. I am here as a law-abiding man; and while I ask only to have my client tried by the law, I claim that the law shall be administered. That the government must be held to the law as we are held. Before we are through, gentlemen, if I am not mistaken, the other side will ask you to enforce the law rigidly against us, and loosely in regard to property in slaves. That we must be held to law of enactment, while they may have the benefit of the law of interference. To this I demur; and to this I wish to call your special attention. There were questions of law, to be addressed to the Court, which would be first in order.

Mr. H. then said, that he held that there could be no conviction under the act of 1790. When that was passed no such thing was known as a warrant or process, for the arrest of a person "held to service and labour." No such process was ever known, till the act of 1850. The act of 1793 did not contain it. There is nothing of the kind in the books. There is no such thing known in the Southern States. This process in *sui generis*: it belongs only to the statutes of 1850; and the law protects the officer who issues and executes it. Is it a civil process, sir? No. Look to all the books, down to the Year Books, and no precedent. Is it a criminal process? No crime is charged. Yet the Act which creates it, provides amply for its protection, both as to the officer who issues it, and he who executes it. This warrant was issued under the act of 1850. Cited Leach 1—306; King against John Davis. Lord Mansfield held, that when the penalty was changed, the second statute repealed the first. Note A. of the case cited, was referred to. The case of Pulaski county against Downer—5th of English's reports, Arkansas—decided in 1851. "When the entire subject matter of a statute is revised by the Legislature, and embraces in subsequent statute, the former will be repealed by implication, though there be no express words to that effect." This applies peculiarly to the case in hand. The entire subject was revised by Congress, and penalties provided. Gorham against Sackett—6th of B. Monroe, 140. "If a subsequent statute manifestly intends to review the whole subject to which it relates, it repeals all former statutes, so far as it differs from them." Milne vs. Haler—36 of McLane, 212. Ham vs. the State—4th Blachford, 314—Indiana. "Two statutes inconsistent with each other, the latter must govern." The case was inconsistent, in punishment. The commonwealth vs. Kimball—21st Pickering, 373—Massachusetts. "Where a statute imposes a new penalty, it repeals by implication so much of the former, as imposes a different penalty." Ninth of New Hampshire, 59. "Where the mode of imposing a penalty is changed, and it is increased, the latter act repeals the former." Davies vs. Fairlorn, 36 Howard, United States reports, 636. "If a later statute be repugnant to a prior one, if it provides the rules which govern, it repeals the prior one." The State against Whitworth—8th Porter, 171—Alabama. "A subsequent statute, imposing milder punishment, is a repeal of such prior statute." Carter vs. Hawley—Wright, 74—Ohio. "Where a penalty imposed by a former statute is increased, the second statute virtually repeals the first." Smith vs. the State—1st of Stewart, 206—Alabama." A statute imposing a penalty for an offence, a subsequent statute imposing a penalty of a higher grade—controls." Nichols vs. Sauer, 5th Pickering 168—Massachusetts. Repeals so much of a former statute as imposes a different penalty. Goodman vs. Butrich—7th Mass. 140. Bartlett vs. King, 12th ditto—545. Ashley, appelant, 4th Pickering, 323. Commonwealth against Cooling, 10th Pickering 39.

Mr. H. said he should content himself mainly with citing the authorities. He had cited the elementary principle laid down by Lord Mansfield; and corresponding decisions in New York, Massachusetts, Indiana, Ohio, Alabama. If he were to admit that such a process existed prior to 1850, these decisions show that the act of 1850 repeals the penalties of the act of 1790. Therefore, the prosecution must be compelled to be guided by the act of 1850, and that alone, in the matter of penalty.

The Counsel on the other side hand me 16th Pickering—case when the repeal is only *pro tanto* to the "extent of the repugnancy." Have I not been trying to show that repugnancy? Do not all lawyers know what *mesne* process is? No process for bringing up a man to know whether he "owed service or labour," was ever known till the Fugitive Slave Law of Sept. 1850. The two are repugnant, in process and in punishment. This is ample repugnance. Again, the act of 1850 is complete in itself. It provides, with consummate care and skill, for its own protection. It has been settled over and over again, that a digested code of laws, repeals all former laws, though there be no repeal. The act of 1850, describes what the warrant must contain, and what may and shall be done throughout. It is complete in itself.

The next proposition is, that the counts are defective, and are not good if the law is not repealed.

1. They do not charge any offence.
2. They do not set forth any process.

The Court said the question of the validity of the counts had been decided by Judge Curtis.

Mr. Hillis said that his understanding of the matter was, that Judge Curtis had not so decided. He did not believe he could so decide. For it could be demonstrated that they were defective in the essential elements of an indictment. They do not charge a crime known to any law, or even that Jerry was a slave.

The Counsel read 2d Chitty's Criminal Law, 144, 145. The indictment must show the crime and the officer issuing the warrant. Hale 2d, 209—the indictment must state for what the prisoner was held—and in such a way that it may appear he was lawfully arrested. 2d Hale, 196—Pleas of the Crown. It was not shown for what offence the man who was rescued from the House of Correction, was there, and it could not be known whether that was the proper place. It is plain, on the fact of the indictment, that these three courts under the laws of 1790, were an afterthought. Blackstone 4—299 and 291.

Mr. H. stated that in due time objections would be raised to the rest of the counts, and would hand his references and extracts to the Court.

Mr. Hillis enquired at what time the Court would take a recess, as he did not wish to take up the question of fact till after dinner.

[It was half-past one].

The Court adjourned to half-past three o'clock.

AFTERNOON SESSION.

The Court met at 3 1-2 o'clock.

Mr. Hillis said—Gentlemen, in pursuing this argument to you, I offer no higher law than the statutes of the United States, and the decisions of the Courts. These have been offered to the Court, whose decision we await. We ask a verdict according to law, and not according to prejudice. We are happy to be able to say, that you can, nay, that you must discharge the defendant, according to the law and testimony. In the first place, they have proved no property. Jerry is a mulatto. A mulatto is presumed to be free. As to blacks, the presumption, in some States, is otherwise. The learned counsel then cited cases in North and South Carolina courts. That the black is presumed to be a slave, till proved otherwise; but with the mulatto, it is otherwise. The jury are the peculiar judges of the proof.

Mr. Wheaton—What has this to do with this case?

Mr. Hillis—It has this to do with it. Jerry is a mulatto: and the presumption is that he is free, and you must prove title to him, as you do the title of land.

Mr. H. continued—The gentleman mutters that they do not rely on colour. What do they rely on? On McReynolds, the pretended owner, the claimant, the witness, the man who recollects Biffle's auction, at eight years of age; a squatter's auction, in Buncombe Co. This is what colour has to do with this case. Jerry is free. They must prove title. Counsel cited a decision where it was held that title must be proved; that possession and acquiescence, were not enough. This was in Virginia. Eighth of B. Monroe—Kentucky. Held, that the fact of being held for a long time, afforded no presumption of property. Now who proves property? I have no unkind feelings towards Mr. McReynolds. But he comes to the stand, under unfavourable circumstances. He testifies with great certainty and particularity, as a matter which happened 43 years ago. Gentlemen, he testifies to too much. He would not comment on it with particularity. He undertakes to state that the woman Celia, and cattle and horses and hogs, and other chattels, were bid off; and that others bid off property. Are any of you fifty years of age? and is there a circumstance, relating to property, of forty years ago, that you could recollect, and swear to the circumstances before a jury? Not the death or marriage of a parent; the birth of a brother or sister; but could you remember the circumstances of the sale of a horse, 40 years ago? and horses are the same as Celia, in North Carolina. Counsel pictured the changes of 40 years. But this is the starting point of McReynold's case. Did you ever hear of a man testifying to a horse sale or trade 43 years ago? Gentlemen, I do not believe McReynold recollects anything more about that transaction, than he does of the signing of the Declaration of Independence, or the first gun at Lexington. He appealed to the jury if they could bring in that this was proof of property? He appealed only to men who approved of the compromises so strongly, that they would quietly allow a wife or a child to be taken as a slave, and asked them whether, on their oaths, they could bring in that this was proof of property.

But they tell you, that submission is a test of property. Submission, gentlemen! Why, do you not know that in the Slave States, the black who ever raises his hand against a white man, suffers the severest penalties of the law. He went on with great point and force, to examine this point—reciting briefly the case of Solomon Northrup, who was kidnapped eleven years ago, and by a miracle was returned to New York on the 3d of January, after submitting eleven years to Slavery. He once said he was free, and was whipped till the blood ran down to his heels for it, and was told that if he ever said it again, he would be whipped to death—and he never did. Yet he submitted to Slavery, though born a freeman of New York.

Counsel went on to examine the alleged sale of Jerry by Miller to McReynolds—no money paid and no delivery of Jerry—and sold by a man who did not own him. The conveyance was worthless in regard to a horse or a dog. He went on to comment on McReynold's memory. He could not remember the death of his father—could remember the birth of this poor mulatto boy, who had no father and his mother a chattel, two years after, and that 40 years ago! You cannot, you will not believe this. The laws of the United States do not ask any such thing; and the law is the government. No man can credit this story. None of you will believe that McReynolds knows anything of the birth of Jerry and Celia, except by tradition. And he tells you, too, that he saw Celia suckle Jerry. If you can believe the others, this is too much. I ask you, can you believe this? And am I talking to men who are to carry out the laws. My client is ready and willing to submit, if a correction can be had, according to law.

As to the escape in 1843, McReynolds lived two and-a-half miles from the house of his mother and step-father, and saw them once in a while. Smith lived seven miles off, and was there occasionally. Now how stands this case? If Jerry went away by the consent of his owner, no man has a right to take him. In a case of burglary—of common theft—the testimony here given would not be sufficient. These men guess Jerry went away without consent. The bills of sale are nothing. They are no evidence. Now, unless you go to the clods of the valley, you cannot get any testimony. The recitals in a bill of sale or of a need, do not amount to anything in evidence. About this, there is no dispute. What Honry said or wrote, amounts to nothing. Is there nothing in the circumstances of the case, to raise the presumption, that Jerry went away with the consent of his master? What does Mr. McReynolds know? What does Smith know? What does Gentry know of Jerry's escape? Nothing—absolutely nothing. They say that on a Saturday night, Jerry went away. How do they know? They do not know. Anything said by Mr. Henry to Gentry, is of no consequence, Now it is this McReynolds who comes here to lay the foundation—the whole foundation—of the case; a man who is deeply interested in money, in the result of this suit, that he may recover a thousand dollars of the Marshal of some one proved to have been engaged in the rescue for Jerry, under the Fugitive Act.

As to title. If any one came to claim title of a farm, or a horse, or a cow, or a dog, in your possession, would you not claim that he produced better title than such memory of an auction? They must show title. Jerry has breathed air in his own lungs, has put food in his own stomach, has walked about with his own legs, as he supposed, and here comes a man who says they are his. And is this the proof of title, which you are asked to pronounce competent? The counsel indignantly scouted the idea. Slavery originated in piracy, I know; but that has nothing to do with it. Slaves have come to be property, and I go by the law, and hold them to the law. If the ownership was not fully proved according to law, Jerry had a right to resist, and to take life in defending himself, for, by nature, all men are free!

Jerry was here. He was sold, while here, sold again, all the while here. Is not the equity with Jerry? The Prosecution is thirsting for the blood of Jerry; and they may have it when they get it; but they must get it. I ask you, gentlemen, to hew to the line of the law; come up to the mark, but on your solemn oaths in this court of justice, don't you go over it! Where is the delivery of this title? Where is the proof? There is not a particle. There was no delivery: the defect is fatal. It destroys all pretence by McReynolds to title.

Counsel read the warrant and affidavits for Jerry's arrest, and the pretended bill of sale, and added: "Bought him running [laughter]; bought him as you would an elk on John Brown's tract." Did you ever see a "horse at large," who had been gone ten years? Did you ever buy or sell a watch dog who had been "at large" for ten years? If no money was paid, it would be the same as this transaction.

He then read the power of Attorney. If it was good for anything, it was made so by the law of 1850. The proceeding was founded on that law. It was heralded through the length and breadth of the land; yet in the case last week tried, the Prosecution, with a bitterness and meanness which was inexpressible, crept out through the mousehole afforded by three contemptible counts, under the act of 1790, for "resistance of process!"

On continuing the argument in reference to title, counsel said: If you believe the auction story—the story of the birth of Jerry—of the nursing of Jerry—of the escape—of the bill of sale—if you believe all this, you have met an objection which cannot be surmounted. When Jerry reached Missouri, he was that instant free! There was no law to make him otherwise. This settles the case beyond all controversy, that McReynolds, according to law, has no title in the man Jerry; and if this man McReynolds has no property in the man Jerry, the case falls to the ground. He went on to cite decisions, in New York, Kentucky, Connecticut, and elsewhere, that when a slave touched free soil, from that moment he was free! We deny that Celia was a slave. Prove it! Possession does not prove it; submission does not prove it; Jerry was here from 1848 to 1851; he was in his own possession all that time. Does possession here prove nothing, and there everything? If Jerry had been held 40 years in Slavery, it would prove nothing as to Slavery. He cited the case of Northrup. He spoke of presumption. A man was presumed to own himself. A horse, or a dog, or an ox, was presumed to have an owner. You must first prove that a man is a slave, and then possession would go to show whose slave he was. There is no evidence that Jerry was a slave at all. Not a particle. I will not insult your judgments by asking you if you think property has been proved. The laws of the Southern States make the *slaves* or state of a man follow descent and blood. They must show that Celia was a slave, and that Jerry was born of Celia. Jerry was a mulatto. His mother was a black, and had no husband. He was going on to say that no man has a right, according to law, to own his own flesh and blood, when he was stopped by

The Court, which held that there was no evidence to the effect that Jerry was the son of Henry.

Mr. Henry submitted that the testimony was stronger than that Jerry was the child of Celia, and he would submit the following points to the Court, that he was the son of Henry:

1. That Celia never before had a child.
2. That Jerry was born within 12 months after Henry came into the family.
3. That Jerry's mother was black.
4. That Jerry was a mulatto.
5. That in the indictment he is alleged to have been known by the name of William Henry.

The learned gentleman then went on to urge that the Jury should infer nothing; that things should be proved. They had no right on their oaths to infer that Jerry "escaped." On your oaths you cannot say that his master did not say to Jerry, "You may go into Illinois and stay till I send for you!" There is no proof that this was not so.

There is no proof that Celia was a slave. Then there is no proof that there was a sale. Was Jerry born of Celia? No satisfactory proof. Did he go through free territory? That is proved. Did he "escape?" There is no proof of that. Was Missouri free territory? That will not be disputed. Was he sold to Miller? No competent proof. Was he sold by Miller to McReynold's? There is no money paid, no delivery of property.

Now as to Smith, a tavern keeper, Postmaster and Sheriff—apparently with business enough—lived 7 miles off—yet he professed to know all about the slaves on the plantation. [Counsel here pictured Jerry's condition, bloody, and almost naked, quivering with terror, when he, Mr. H., was called to his side as counsel]. The laws of Missouri give a Sheriff ten cents a mile travel, and $50 reward, for every fugitive brought back, and which made him an interested witness; which interest he manifested on his examination.

Now, suppose that all was right, up to the time that Jerry was in the Commissioner's office, and in the police office, was the defendant aiding and abetting in the rescue? This he would examine. He cited cases to show, that the defendant must know that the person held was a fugitive, and that the agent had power to arrest him. He pointed out the difference in the notice required, as to harbouring a slave. Where was the notice to Salmon, required by these decisions? Jerry was a mulatto; and even in slave States, they are presumed to be free. Here, every man is presumed to be free. Read to show that there must be notice. Notices must not be inferred, when the law says that you shall give them.

As to the case, in reference to the action of the defendant, there are three kinds of proof. As to what he did in the Commissioner's office, in the Police office, in the street; and as you find *as the law is*, on this *law as it is*, we will be satisfied.

Counsel then went on to review the testimony of Baldwin, who had a political discussion with Salmon, about the tories of the Revolution, and a Revolution now. He comes to detail the exact words of a political opponent, in a warm political discussion, when then the change of one word, would change the character of the whole. Mr. Baldwin has done this, a year and-a-half afterwards, and it is for you to say how much it is worth. That is the weakest kind of testimony—the easiest to be mistaken—not to be relied on. Suppose you put a "t" by the side of "I" and you have it, that he said "it was said." He referred to the fact, that Johnson who was by, did not remember about the tarring and feathering—and this was substantial matter. He then referred to what Scott testified to, and Payne. Payne is not one of Salmon's friends; yet he makes Salmon complain of the rescuers of Jerry! Does this look likely? Was the thing not done up clean! was it not done up quickly? There is not a particle of proof, that one in the rescue either fainted or failed, or had any misgiving? He ridiculed the talk about revolution! And then in the Commissioner's office, he complained of the manacles, and said it was "too bad to have a man used in that way!" Is that "sedition, privy conspiracy or rebellion?" Why, gentlemen, it is about equal to his talk about a revolution! Then Marron, testifies, that Salmon said, "I move we don't adjourn without the negro." What was this? It was a motion that we stay with him. Brand says Salmon said, "we don't stand any chance before the Commissioner!" Well I've heard as much said in court—and sometimes I thought it was true, and sometimes I didn't [laughter]. James R. Lawrence, Jr., says Salmon said, "I move we don't go without the fugitive." Rev. Samuel J. May, our witness, a gentleman of intelligence and coolness, says Salmon's Declaration was, "I move that we stay and see it out."

Counsel cited decisions in which it was held that the declarations of a man under excitement on public evidence, and sometimes lead to its rejection; and spoke of Baldwin and Johnson as political opponents; as *brave* political opponents. One case declared hasty confessions, before a party not competent to examine, as the "weakest and most suspicious testimony." They prove a confession as to the wagon; we prove he was not near the wagon. Confessions are unsatisfactory evidence, from the case with which they can be fabricated, and the difficulty of contradicting them.

He reviewed the testimony of Leonard and Arnold, showing where Salmon was when the Police office was broken in; and we have thus proved that his confession was not true even if he made it.

As to the testimony of Kinney, and the alleged clinching. Kinney began to paddle off, on his direct examination, and said he "was not positive." He did not know whether he caught him or not. Where was Marshal Allen? where was Marshal Fitch? where was Thomas Morrison, who stood by Salmon, and was "bothered" by him for an hour? where was James R. Lawrence, Jr., who was present? where was Brand, who called the attention of the Marshal to the fact that Jerry was escaping? But we want nothing to knock over Kinney's testimony; for he says himself, that he "was not positive." And Mr. Ellis was there, and he tells you that Salmon came up to him, and said, "did you ever see such a transaction in your life?"

The Connsel next took up Brooks; "Brooks on complexion" [laughter]—and recapitulated his testimony. He went on to expose the ridiculous pretension of Brooks, that he recognised a man he alleges he never saw but once before, and that in the dark, by his "complexion," and the "mischievous look of his eye." This is the flimsy stuff to be put in opposition to the clear, candid, truthful testimony of Leonard and Arnold. You cannot find that the defendant did that with which he was charged on such testimony.

The case is one of immense importance, in its influence; but I ask you not to be guided by any such considerations; but by the law and the testimony. He referred to the duty to be performed by the counsel on the other side, and the Judge. He charged the Jury, to act as they will ever after wish they had acted; and he solemnly wished that the Ruler of the Universe might preside over their deliberations.

District Attorney, Lawrence, then summed up for the prosecution; after which the Judge charged the Jury, when on their unanimous application, and on consent of counsel, they were permitted to separate for the night, and the Court was adjourned till to-morrow (Thursday) morning at 9 o'clock.